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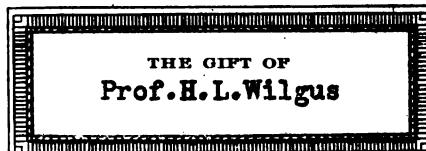
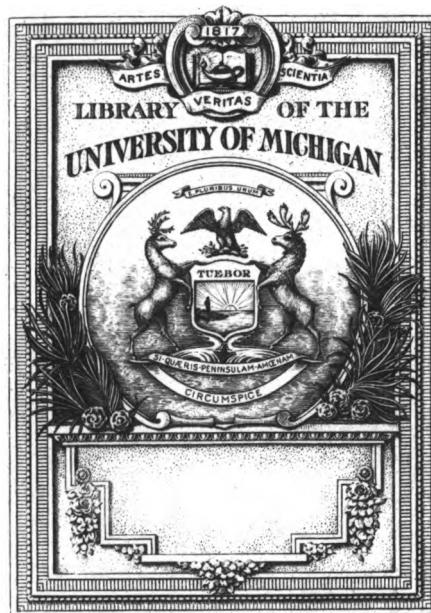
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U.S. Congress. House. — Kansas Affairs







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U. S. Comptroller of the Treasury, Department of the  
Treasury, and the General Auditor of the United States, etc.  
etc., etc.

# KANSAS-AFFAIRS.

THE REPORT

OF THE

# INVESTIGATING COMMITTEE;

PRESENTED TO THE HOUSE OF REPRESENTATIVES.

WASHINGTON, JULY 1st and 2d, 1856.

CINCINNATI:

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Prof. H. L. Wilgus  
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# KANSAS AFFAIRS.

## THE REPORT OF THE

### CONGRESSIONAL INVESTIGATING COMMITTEE.

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A journal of proceedings, including sundry communications made to and by the committee, was kept, a copy of which is herewith submitted. The testimony also is herewith submitted; a copy of it has been made and arranged, not according to the order in which it was taken but so as to present, as clearly as possible, a consecutive history of events in the Territory, from its organization to the 19th day of March, A. D. 1856.

Your committee deem it their duty to state, as briefly as possible, the principal facts proven before them. When the act to organize the Territory of Kansas was passed, on — day of May, 1851, the greater portion of its eastern border was included in Indian reservations not open for settlement, and there were but few white settlers in any portion of the Territory. Its Indian population was rapidly decreasing, while many emigrants from different parts of our country were anxiously waiting the extinction of the Indian title, and the establishment of a Territorial government, to seek new homes in its fertile prairies. It cannot be doubted that if its condition as a free Territory had been left undisturbed by Congress, its settlement would have been rapid, peaceful and prosperous. Its climate, soil, and its easy access to the older settlements would have made it the favored course for the tide of emigration constantly flowing to the West, and, by this time, it would have been admitted into the Union as a Free State, without the least sectional excitement. If so organized, none but the kindest feeling could have existed between it and the adjoining State. Their mutual interests and intercourse, instead of, as now, endangering the harmony of the Union, would have strengthened the ties of national brotherhood. The testimony clearly shows that before the proposition to repeal the Missouri Compromise was introduced into Congress the people of Western Missouri appeared indifferent to the prohibition of slavery in the Territory, and neither asked nor desired its repeal.

When, however, the prohibition was removed by the action of Congress, the aspect of affairs entirely changed. The whole country was agitated by the re-opening of a controversy which conservative men in different sections hoped had been settled in every State and Territory by some law beyond the danger of repeal. The excitement which has always accompanied the discussion of the slavery question was greatly increased by the hope on the one hand of extending slavery into a region from which it had been excluded by law; and on the other by a sense of wrong done by what was regarded as a dishonor of a national compact. This excitement was naturally trans-

ferred into the border counties of Missouri and the Territory as settlers favoring free or slave institutions moved into it. A new difficulty soon occurred. Different constructions were put upon the organic law. It was contended by the one party that the right to hold slaves in the Territory existed, and that neither the people nor the Territorial Legislature could prohibit slavery—that that power was alone possessed by the people when they were authorized to form a State government. It was contended that the removal of the restriction virtually established slavery into the Territory. This claim was urged by many prominent men in Western Missouri, who actively engaged in the affairs of the Territory. Every movement of whatever character which tended to establish free institutions was regarded as an interference with their rights.

Within a few days after the organic law passed, and as soon as its passage could be known on the border, leading citizens of Missouri crossed into the Territory, held squatter meetings, and then returned to their homes. Among their resolutions are the following—

That we will afford protection to no abolitionist as a settler of this Territory.

That we recognize the institution of slavery as already existing in this Territory, and advise slaveholders to introduce their property as early as possible.

Similar resolutions were passed in various parts of the Territory, and by meetings in several counties of Missouri. Thus the first effect of the restriction against slavery was to substitute the resolves of squatter meetings, composed almost exclusively of citizens of a single State, for the deliberate action of Congress, acquiesced in for thirty-five years.

This unlawful interference has been continued in every important event in the history of the Territory; every election has been controlled, not by the actual settlers, but by citizens of Missouri, and as a consequence every officer in the Territory, from constables to legislators, except those appointed by the President, owe their position to non-resident voters. None have been elected by the settlers, and your committee have been unable to find that any political power whatever, however unimportant, has been exercised by the people of the Territory.

In October, A. D. 1854, Governor A. H. Reeder and the other officers appointed by the President arrived in the Territory. Settlers from all parts of the country were moving in great numbers, making their claims and building their cabins. About the same time, and before any election was or could

be held in the Territory, a secret political society was formed, in the State of Missouri. It was known by different names, such as "Social Band," "Friends Society," "Blue Lodge," "The Sons of the South." Its members were bound together by secret oaths, and they had passwords, signs and grips by which they were known to each other.—Penalties were imposed for violating the rules and secrets of the Order. Written minutes were kept of the proceedings of the lodges, and the different lodges were connected together by an effective organization. It embraced great numbers of the citizens of Missouri, and was extended into other slave States, and into the Territory. Its avowed purpose was not only to extend slavery into Kansas, but also into other territory of the United States, and to form a union of all the friends of that institution. Its plan of operating was to organize and send men to vote at the elections in the Territory, to collect money to pay their expenses, and if necessary to protect them in voting. It also proposed to induce the pro-slavery men to emigrate into the Territory, to aid and sustain them while there, and to elect none to office but those friendly to their views. This dangerous society was controlled by men who avowed their purpose to extend slavery into the Territory at all hazards, and was altogether the most effective instrument in organizing the subsequent armed invasions and forays. In its lodges in Missouri the affairs of Kansas were discussed, the forces necessary to control the election was divided into bands, and leaders selected, means were collected, and signs and badges were agreed upon. While the great body of the actual settlers of the Territory were relying upon the rights secured to them by the organic law, and had formed no organization or combination whatever, even of a party character, this conspiracy against their rights was gathering strength in a neighboring State, and would have been sufficient at their first election to have over-powered them, if they had been united to a man.

Your committee had great difficulty in eliciting the proof of the details in regard to this secret society. One witness, member of the Legislative Council, refused to answer questions in reference to it. Another declined to answer fully, because to do so would result to his injury. Others could or would only answer as to the general purposes of the society, but sufficient is disclosed in the testimony to show the influence it had in controlling the elections of the Territory.

The first election was for a delegate to Congress. It was appointed for the 29th of November, 1854. The Governor divided the Territory into seventeen election districts, appointed Judges, and prescribed proper rules for the election. In the First, Third, Eighth, Ninth, Tenth, Twelfth, Thirteenth and Seventeenth districts, there appears to have been but little if any fraudulent voting.

The election in the Second district was held at the village of Douglas, nearly fifty miles from the Missouri line. On the day before the election large companies of men came into the district in wagons and on horseback, and declared that they were from the State of Missouri, and were going to Douglas to vote. On the morning of the election they gathered around the house where the election was to be held. Two of the Judges appointed by the Governor did not appear, and other Judges were elected by the crowd. All then voted. In order to make a pretence of right to vote, some persons of the company kept a pretended register of squatter claims, on which any man could enter his name and then assert he had a claim to the Territory. A citizen of the district who was himself a candidate to Congress, was told by one of the strangers, that he would be abused and probably killed if he challenged a vote. He was seized

by the collar, called a d—d abolitionist, and was compelled to seek protection in the room with the Judges. About the time the polls were closed, these strangers mounted their horses and got into their wagons and cried out, "All aboard for Westport and Kansas City." A number were recognized as residents of Missouri, and among them was Samuel H. Woodson, a leading lawyer of Independence. Of those whose names were on the poll books, 35 were resident settlers and 226 were non-residents.

The election in the Fourth District was held at Dr. Chapman's, over 40 miles from the Missouri State line. It was a thinly settled region, containing but 47 voters in February, 1855, when the census was taken. On the day before the election, from 100 to 150 citizens of Cass and Jackson counties, Mo., came into this district, declaring their purpose to vote, and that they were bound to make Kansas a slave State, if they did it at the point of the sword. Persons of the party on the way drove each a stake in the ground and called it a claim—and in one case several names were put on one stake. The party of strangers camped all night near where the election was to be held, and in the morning were at the election polls and voted. One of their party got drunk, and to get rid of Dr. Chapman, a judge of the election, they sent for him to come and see a sick man, and in his absence, filled his place with another Judge, who was not sworn. They did not deny or conceal that they were residents of Missouri, and many of them were recognized as such by others. They declared that they were bound to make Kansas a slave State.—They insisted upon their right to vote in the Territory if they were in it one hour. After the election they again returned to their homes in Missouri, camping over night on the way.

We find upon the poll books 161 names; of these not over 30 resides in the Territory, 131 were non-residents.

But few settlers attended the election in the Fifth District, the District being large, and the settlement scattering. Eighty-two votes were cast; of these between 20 and 30 were settlers, and the residue were citizens of Missouri. They passed into the Territory by the way of the Santa Fe road, and by the residence of Dr. Westfall, who then lived on the western line of Missouri. Some little excitement arose at the polls as to the legality of their voting; but they did vote for General Whitfield, and said they intended to make Kansas a slave State, and that they had claims in the Territory. Judge Teazle, Judge of the Court in Jackson county, Missouri, was present, but did not vote. He said he did not intend to vote, but came to see that others voted. After the election the Missourians returned the way they came.

The election in the Sixth District was held at Fort Scott, in the south-east part of the Territory, and near the Missouri line. A party of about one hundred men from Cass, and the counties in Missouri south of it, went into the Territory, traveling about 45 miles, most of them with their wagons and tents, and camping out. They appeared at the place of election. Some attempts were made to swear them, but two of the judges were prevailed upon not to do so, and none were sworn, and as many chose voted. There were but a few resident voters at the polls. The settlement was sparse—about 25 actual settlers voted out of 105 votes cast, leaving 80 illegal votes. After the voting was over the Missourians went to their wagons and commenced leaving for home.

The most shameless fraud practised upon the rights of the settlers at this election was in the Seventeenth district. It is a remote settlement, about 75 miles from the Missouri line, and contained in February, A. D. 1855, three months af-

terward, when the census was taken, but 53 voters, and yet the poll books show that 640 votes were cast. The election was held at the house of Frey McGee, at a place called "110." But few of the actual settlers were present at the polls. A witness who formerly resided in Jackson county, Mo., and was well acquainted with the citizens of that county, says that he saw a great many wagons and tents at the place of election, and many individuals he knew from Jackson county. He was in their tents and conversed with some of them, and they told him they had come with the intention of voting. He went to the polls, intending to vote for Flennekin, and his ticket being of a different color from the rest, his vote was challenged by Frey McGee, who had been appointed one of the judges but did not serve. Lemuel Ralston, a citizen of Missouri, was acting in his place. The witness then challenged the vote of a young man by the name of Nolan, whom he knew to reside in Jackson county. Finally the thing was hushed up, as the witness had a good many friends there from that county, and it might lead to a fight if he challenged any more votes. Both voted and he then went down to their camp. He there saw many of his old acquaintances whom he knew had voted at the election in August previous in Missouri, and who still resided in that State. By a careful comparison of the poll lists with the census rolls, we find but 12 names on the poll books who were voters when the census was taken three months afterwards, and we are satisfied that not more than 20 legal votes could have been polled at that election. The only residents who are known to have voted are named by the witness, and are 13 in number—thus leaving 584 illegal votes cast in a remote district, where the settlers within many miles were acquainted with each other.

The total number of white inhabitants in Eleventh district, in the month of February, A. D. 1855, including men, women and children, was 36, of whom 24 were voters—yet the poll lists in this district show that 245 votes were cast at this election. For reasons stated hereafter, in regard to the election on the 30th of March, your committee were unable to procure the attendance of witnesses from this district. From the records it clearly appears that the votes cast could not have been by lawful resident voters. The best test in the absence of direct proof by which to ascertain the number of legal votes cast is by a comparison of the census roll with the poll book—by which it appears that but 7 resident settlers voted, and 23 votes were illegally and fraudulently given.

The election in the Fourteenth district was held at the house of Benjamin Harding, a few miles from the town of St. Joseph, Missouri. Before the polls were opened, a large number of citizens of Buchanan county, Missouri, and among them many of the leading citizens of St. Joseph, were at the place of voting, and made a majority of the company present. At the time appointed by the Governor for opening the polls, two of the Judges were not there, and it became the duty of the legal voters present to select other Judges. The Judge who was present suggested the name of Mr. Waterson as one of the Judges—but the crowd voted down the proposition. Some discussion then arose to the right of non-residents to vote for Judges, during which Mr. Bryant was nominated, and elected by the crowd. Some one nominated Col. John Scott as the other Judge, who was then and is now, a resident of St. Joseph. At that time he was the City Attorney of that place, and so continued until this spring, but he claimed that the night before he had come to the house of Mr. Bryant, and had engaged boarding for a month, and considered himself a resident of Kansas on that ground. The Judges appointed by the

Governor refused to put the nomination of Col. Scott to vote, because he was not a resident. After some discussion, Judge Leonard, a citizen of Missouri stepped forward, and put the vote himself; and Mr. Scott was declared by him as elected by the crowd, and served as a judge of election that day. After the election was over, he returned to St. Joseph, and never since has resided in the Territory. It is manifest that this election of a non-resident lawyer as a judge was imposed upon the settlers by the citizens of the State. When the Board of Judges was thus completed, the voting proceeded, but the effect of the rule adopted by the Judges allowed many, if not a majority of the non-residents to vote. They claimed that their presence on the ground, especially when they had a claim in the Territory, gave them a right to vote; under that construction of the law, they readily, when required, swore they were "residents," and then voted. By this evasion, as near as your committee can ascertain from the testimony, as many as fifty illegal votes were cast in this district out of one hundred and fifty-three, the whole number polled.

The election in the Fifteenth district was held at Penseman's, on Stranger creek, a few miles from Weston, Missouri. On the day of the election a large number of citizens of Platte county, but chiefly from Weston and Platte City, came in small parties, in wagons and on horseback to the polls. Among them were several leading citizens of that town, and the names of many of them are given by the witnesses. They generally insisted upon their right to vote, on the ground that every man having a claim in the Territory could vote, no matter where he lived 15. All voted who chose. No man was challenged or sworn. Some of the residents did not vote. The purpose of the strangers in voting was declared to be to make Kansas a slave State 16. We find by the poll books that 306 votes were cast—of them we find but 57 are on the census rolls as legal voters in February following. Your Committee is satisfied from the testimony that not over 100 of those who voted had any right so to do, leaving at least 206 illegal votes cast.

The election in the Sixteenth District was held at Leavenworth. It was then a small village of three or four houses, located on the Delaware reservation.

There were but comparatively few settlers then in the district, but the number rapidly increased afterward. On the day before and on the day of the election, a great many citizens, of Platte, Clay and Ray counties, crossed the river—most of them camping in tents and wagons about the town, "like a camp meeting."

They were in companies or messes of ten to fifteen in each, and numbered in all several hundred. They brought their own provisions and cooked it themselves, and were generally armed. Many of them were known by the witnesses, and their names given, and their names are found upon their poll books. Among them were several persons of influence where they resided in Missouri, who held or had held high official positions in that State. They claimed to be residents of the Territory, from the fact that they were then present, and insisted on the right to vote, and did vote. Their avowed purpose in doing so was to make Kansas a slave State. These strangers crowded around the polls, and it was with great difficulty that the settlers could get to the polls. One resident attempted to get to the polls in the afternoon, but was crowded and pulled back. He then went outside of the crowd and hurried for General Whitfield, and some of those who did not know him said, "That's a good pro-slavery man," and lifted him up over their heads so that he crawled on their heads and put in

his vote. A person who saw from the color of his ticket that it was not for General Whitfield, cried out, "He is a damned abolitionist—let him down," and they dropped him. Others were passed to the polls in the same way, and others crowded up in the best way they could. After this mockery of an election was over, the non-residents returned to their homes in Missouri. Of the 312 votes cast, not over 150 were by legal voters.

The following abstract exhibits the whole number of votes at this election for each candidate; the number of legal and illegal votes cast in each district; and the number of legal voters in each district in February following:

ABSTRACT OF ELECTIONS AND CENSUS NOV. 29, 1854.	
Whitfield.....	2,368
Wakefield.....	249
Flemmiken.....	305
Scattering.....	21
Total.....	2,871
Legal votes.....	1,114
Illegal votes.....	1,729

Thus your committee find that in this the first election in the Territory, a very large majority of the votes were cast by citizens of the State of Missouri, in violation of the organic law of the Territory. Of the legal voters cast, Gen. Whitfield received a plurality. The settlers took but little interest in the election, not one half of them voting. This may be accounted for from the fact that the settlements were scattered over a great extent—that the term of the delegate to be elected was short—and that the question of free and slave institutions was not generally regarded by them as distinctly at issue. Under these circumstances, a systematic invasion from an adjoining State, by which large numbers of illegal votes were cast in remote and sparse settlements, for the purpose of extending slavery into the Territory, even though it did not change the result of the election, was a crime of great magnitude. Its immediate effect was to further excite the people of the Northern States—induce acts of retaliation, and exasperate the actual settlers against their neighbors in Missouri.

In January and February, A. D., 1855, the Governor caused an enumeration to be taken of the inhabitants and qualified voters in the territory, an abstract of which is here given:

ABSTRACT OF CENSUS RETURNS.	
Males.....	5,128
Females.....	3,373
Voters.....	2,905
Minors.....	3,469
Natives of U. S.....	7,161
Foreign birth.....	409
Negroes.....	151
Slaves.....	242
Total.....	8,501

On the same day the census was completed, the Governor issued his proclamation for an election to be held on the 30th of March, A. D. 1855, for members of the Legislative Assembly of the Territory. It prescribed the boundaries of districts, the places of polls, the names of Judges, the appointment of members, and recites the qualification of voters. If it had been observed, a just and fair election would have reflected the will of the people of the Territory. Before the election, false and inflammatory rumors were busily circulated among the people of Western Missouri. The number and character of the emigration then passing into the Territory were grossly exaggerated and misrepresented. Through the active exertions of many of its leading citizens, aided by the secret societies before referred to, the passions and prejudices of the

people of that State were greatly excited. Several residents there have testified to the character of the reports circulated and accredited by the people. These efforts were successful. By an organized movement which extended from Andrew county in the north to Jasper county in the south, and as far eastward as Boone and Cole counties, companies of men were arranged in regular parties and sent into every Council district in the Territory, and every Representative district but one. The number were so distributed as to control the election in each district. They went to vote, and with the avowed designs to make Kansas a slave State. They were generally armed and equipped, carried with them their own provisions and tents, and so marched into the Territory. The details of this invasion, from the mass of the testimony taken by your committee, are so voluminous that we can here state but the leading facts elicited.

#### FIRST DISTRICT—MARCH 30, 1855—LAWRENCE.

The company of persons was marched into this District, collected in Ray, Howard, Carroll, Boone, Le Fayette, Randolph, Saline and Cass counties, in the State of Missouri. Their expenses were paid—those who could not come contributed provisions, wagons, &c. Provisions were deposited for those who were expected to come to Lawrence in the houses of William Lykins, and were distributed among the Missourians after they arrived there. The evening before and the morning of the day of election, about 1,000 men from the above counties arrived at Lawrence, and camped in a ravine a short distance from town, near the place of voting. They came in wagons—of which there were over one hundred—and on horseback, under the command of Col. Samuel Young of Boone county, Missouri, and Claiborne F. Jackson, of Missouri. They were armed with guns, rifles, pistols, and bowie-knives, and had tents, music and flags with them. They brought with them two pieces of artillery loaded with musket balls. On their way to Lawrence, some of them met Mr. N. B. Blanton, who had been appointed one of the Judges of Election by Gov. Beader, and after learning from him that he considered it his duty to demand an oath from them as to their place of residence, first attempted to bribe, and then threatened him with hanging in order to induce him to dispense with that oath. In consequence with these threats, he did not appear at the polls the next morning to act as Judge.

The evening before the election, while in camp, the Missourians were called together at the tent of Capt. Claiborne F. Jackson, and speeches were made to them by Col. Young and others, calling for volunteers to go to other districts where there were not Missourians enough to control the election, and there were more at Lawrence than were needed there. Many volunteered to go, and the morning of the election, several companies, from 150 to 200 men each, went off to Tecumseh, Hickory Point, Bloomington, and other places. On the morning of the election, the Missourians came over to the place of voting from their camp, in bodies of one hundred at a time. Mr. Blanton not appearing, another Judge was appointed in his place—Col. Young claiming that, as the people of the Territory had two Judges, it was nothing more than right that the Missourians should have the other one, to look after their interest; and Robert A. Cummings was elected in Blanton's stead, because he considered that every man had a right to vote if he had been in the Territory but an hour. The Missourians brought their tickets with them but not having enough, they had three hundred more printed in Lawrence on the evening before and the day of election. They had white ribbons in their

button-holes to distinguish themselves from the settlers.

When the voting commenced the question of the legality of the vote of Mr. Page was raised. Before it was decided, Col. Samuel Young stepped up to the window where the votes were received, and said that he would settle the matter. The vote of Mr. Page was withdrawn, and Col. Young offered to vote. He refused to take the oath prescribed by the Governor, but swore he was a resident of the Territory, upon which his vote was received. He told Mr. Abbott, one of the Judges, when asked if he intended to make Kansas his future home, that it was none of his business; that if he were a resident then he should ask no more. After his vote was received, Colonel Young got up in the window-sill and announced to the crowd that he had been permitted to vote, and they could all come up and vote. He told the Judges that there was no use in swearing the others, as they would all swear as he had done. After the other Judges concluded to receive Col. Young's vote, Mr. Abbott resigned as Judge of Election, and Mr. Benjamin was elected in his place.

The polls were so much crowded until late in the evening, that for a time, when the men had voted, they were obliged to get out by being hoisted up on the roof of the building where the election was being held, and pass over the house. Afterward a passageway through the crowd was made, by two lines of men being formed, through which the voters could get up to the polls. Colonel Young asked that the old men be allowed to go up first and vote, as they were tired with the traveling and wanted to go back to camp.

The Missourians sometimes came up to the polls in procession, two by two, and voted.

During the day the Missourians drove off the ground some of the citizens—Mr. Stevens, Mr. Bond and Mr. Willis. They threatened to shoot Mr. Bond, and a crowd rushed after him threatening him, and as he ran from them some shots were fired at him, as he jumped off the bank of the river and made his escape. The citizens of the town went over in a body, late in the afternoon, when the polls had become comparatively clear, and voted.

Before the voting had commenced, the Missourians said, if the Judges appointed by the Governor did not receive their votes, they would choose other Judges. Some of them voted several times, changing their hats or coats and coming up to the window again. They said they intended to vote first, and after they had got through then the others could vote. Some of them claimed a right to vote under the organic act, from the fact that their mere presence in the Territory constituted them residents, though they were from Wisconsin, and had homes in Missouri. Others said they had a right to vote because Kansas belonged to Missouri, and people from the East had no right to settle in the Territory and vote there. They said they came to the Territory to elect a Legislature to suit themselves, as the people of the Territory and persons from the East and North wanted to elect a Legislature that would not suit them. They said they had a right to make Kansas a slave State, because the people of the North had sent persons out to make it a free State. Some claimed that they had heard that the Emigrant Aid Society had sent men out to be at the election and they came to offset their votes; but the most of them made no such claim. Colonel Young said he wanted the citizens to vote in order to give the election some show of fairness.—The Missourians said there would be no difficulty, if the citizens did not interfere with their voting, but they were determined to vote—peaceably, if

they could, but vote anyhow. They said each one of them was prepared for eight rounds without loading, and would go the ninth round with the butcher knife. Some of them said that by voting in the Territory they would deprive themselves of the right to vote in Missouri for twelve months afterwards.

The Missourians began to leave the afternoon of the day of election, though some did not go home until the next morning.

In many cases when a wagon load had voted, they immediately started for home. On their way home they said if Governor Reeder did not sanction the election they would hang him.

The citizens of the town of Lawrence, as a general thing, were not armed on the day of election, though some had revolvers, but not exposed as were the arms of the Missourians. They kept a guard about the town the night after the election, in consequence of the threats of the Missourians, in order to protect it.

The pro-slavery men of the district attended the nominating conventions of the free State men, and voted for and secured the nominations of the men they considered the most obnoxious to the free State party, in order to cause dissension in that party.

Quite a number of settlers came into the district before the day of election, and after the census was taken. According to the census returns, there were then in the district 369 legal voters. Of those whose names are on the census returns, 177 are to be found on the poll books of the 30th of March, 1855. Messrs. Ladd, Babcock and Pratt testify to 56 names on the poll books of persons they knew to have settled in the district after the census was taken and before the election. A number of persons came into the Territory in March, before the election, from the Northern and Eastern States, intending to settle, who were in Lawrence on the day of election. At that time many of them had selected no claims and had no fixed place of residence. Such were not entitled to vote.—Many of them became dissatisfied with the country. Others were disappointed at its political condition and in the price and demand for labor, and returned. Whether any such voted at the election is not clearly shown; but from the proof it is probable that in the latter part of the day, after the great body of the Missourians had voted, some did go to the polls. The number was not over 50. These voted the free State ticket. The whole number of names appearing upon the poll lists is 1,034. After full examination, we are satisfied that not over 232 of these were legal voters, and 802 were non-resident and illegal voters. This district is strongly in favor of making Kansas a free State and there is no doubt that the free State candidates for the Legislature would have been elected by large majorities, if none but the actual settlers had voted. At the preceding election in November 1854, where none but legal votes were polled, General Whitfield, who received the full strength of the pro-slavery party got but 46 votes.

#### SECOND DISTRICT—BLOOMINGTON.

On the morning of election the Judges appointed by the Governor appeared and opened the polls. Their names were Harrison Burson, Nathaniel Ramsay and Mr. Ellison. The Missourians began to come in early on the morning, some 500 or 600 of them, in wagons and carriages, and on horseback, under the lead of Samuel J. Jones, then Postmaster of Westport, Missouri, Claiborne F. Jackson and Mr. Steeley, of Independence, Missouri. They were armed with double barrelled guns, rifles, bowie knives and pistols, and had flags hoisted. They held a sort of informal election, off at one side, at first for Governor of Kansas, and shortly afterward announced Thomas

Johnson, of Shawnee Mission, elected Governor. The polls had been opened but a short time when Mr. Jones marched with the crowd up to the window and demanded that they should be allowed to vote without swearing as to their residence. After some noisy and threatening talk, Claiborne F. Jackson addressed the crowd, saying they had come there to vote—they had a right to vote if they had been there but five minutes, and he was not willing to go home without voting, which was received with cheers. Jackson then called upon them to form into little bands of fifteen or twenty, which they did, and went to an ox wagon filled with guns, which were distributed among them, and proceeded to lead some of them on the ground. In pursuance of Jackson's request, they tied white tape or ribbons in their buttonholes, so as to distinguish them from the "abolitionists". They again demanded that the Judges should resign, and upon their refusing to do so, smashed in the window, sash and all, and presented their pistols and guns to them, threatening to shoot them. Some one on the outside cried out to them not to shoot, as there were pro-slavery men in the room with the Judges. They then put a pry under the corner of the house, which was a log house, and lifted it up a few inches, and let it fall again, but desisted upon being told there were pro-slavery men in the house. During this time the crowd repeatedly demanded to be allowed to vote without being sworn, and Mr. Ellison, one of the Judges, expressed himself willing, but the other two Judges refused. Thereupon a body of men, headed by "Sheriff Jones," rushed into the Judges' room with cocked pistols and drawn bowie knives in their hands, and approached Burson and Ramsay. Jones pulled out his watch, and said he would give them five minutes to resign in, or die. When the five minutes had expired and the Judges did not resign, Jones said he would give them another minute and no more. Ellison told his associates that if they did not resign there would be one hundred shots fired in the room in less than fifteen minutes; and then snatching up the ballot box ran out into the crowd, holding up the ballot box and hurrasing for Missouri. About that time Burson and Ramsay were called out by their friends, and not suffered to return. As Mr. Burson went out he put the ballot poll books in his pocket, and took them with him; and as he was going out Jones snatched some papers away from him, and shortly afterwards came out himself holding them up, crying, "Hurrah for Missouri!" After he discovered they were not the poll books he took a party of men and started off to take the poll books from Burson. Mr. Burson saw them coming and he gave the books to Mr. Umberger and told him to start off in another direction, so as to mislead Jones and his party. Jones and his party caught Mr. Umberger, took the poll books away from him, and Jones took him up behind him on a horse, and carried him back a prisoner. After Jones and his party had taken Umberger back, they went to the house of Mr. Ramsay and took Judge John A. Wakefield prisoner, and carried him to the place of election, and made him get up on a wagon and make them a speech, after which they put a white ribbon in his button hole and let him go. They then chose two new Judges, and proceeded with the election.

They also threatened to kill the Judges if they did not receive their votes without swearing them, or else resign. They said no man should vote who would submit to be sworn—that they would kill any one who would offer to do so—"shoot 'em," "cut his g'ts out," &c., They said no man should vote this day unless he voted

an open ticket, and was "all right on the goose," and that if they could not vote by fair means they would by foul means. They said they had as much right to vote, if they had been in the Territory two minutes, as if they had been there two years, and they would vote. Some of the citizens who were about the window, but had not voted when the crowd of Missourians marched up there, upon attempting to vote, were driven back by the mob or driven off. One of them, Mr. J. M. Macey, was asked if he would take the oath, and upon his replying that he would if the judges required it, he was dragged through the crowd, away from the polls, amid cries of "Kill the d—d nigger thief," "cut his throat," "tear his heart out," &c. After they got him to the outside of the crowd, they stood around him with cocked revolvers and drawn bowie knives, one man putting a knife to his heart, so that it touched him, another holding a cocked pistol to his ear, while another struck at him with a club. The Missourians said they had a right to vote if they had been in the Territory but five minutes. Some said they had been hired to come there and vote, and get a dollar a day, and by God, they would vote or die there.

They said the 30th day of March was an important day, as Kansas would be made a slave State on that day. They began to leave in the direction of Missouri in the afternoon, after they had voted, leaving some 30 or 40 around the house where the election was held, to guard the polls until after the election was over. The citizens of the Territory were not around, except those who took part in the mob, and a large portion of them did not vote; 341 votes were polled there that day, of which but some 30 were citizens. A protest against the election made to the governor. The returns of the election made to the governor were lost by the Committee of Elections of the Legislature at Pawnee. The duplicate returns left in the ballot box were taken by F. E. Laley, one of the judges elected by the Missourians, and were either lost or destroyed in his house, so that your committee have been unable to institute a comparison between the poll lists and census returns of this district. The testimony, however, is uniform, that not even 30 of those who voted there that day were entitled to vote, leaving 311 illegal votes.—We are satisfied from the testimony that, had the actual settlers alone voted, the free State candidates would have been elected by a handsome majority.

### THIRD DISTRICT—TECUMSEH.

On the 28th of March persons from Clay, Jackson, and Howard counties, Mo., began to come into Tecumseh, in wagons, carriages, and on horseback, armed with guns, bowie-knives and revolvers, and with threats, and encamped close by the town, and continued camping until the day of election. The night before the election 200 men were sent for from the camp of Missourians at Lawrence. On the morning of the election before the polls were opened, some 300 or 400 Missourians, and others, were collected in the yard about the house of Thomas Stinson, where the election was to be held, armed with bowie-knives, revolvers and clubs. They said they came to vote, and whip the damned Yankees, and would vote without being sworn. Some said they came to have a fight and wanted one. Colonel Sam'l H. Woodson, of Independence, Mo., was in the room of the Judges when they preparing poll-books and tally lists, and remained there during their attempts to organize. The room of the Judges was also filled by many of the strangers. The Judges could not agree concerning the oath to be taken by themselves, and the oath to be administered to the voters. Mr. Burgess desiring to administer the

oath prescribed by the Governor, and the other two Judges opposing it. During this discussion between the Judges, which lasted some time, the crowd outside became excited and noisy, threatening and cursing Mr. Burgess, the Free State Judge. Persons were sent at different times by the crowd outside into the room where the Judges were, with threatening messages, especially against Mr. Burgess, and at last ten minutes were given them to organize in, or leave; and as the time passed, persons outside would call out the number of minutes left, with threats against Burgess if he did not agree to organize. At the end of that time the Judges not being able to organize, left the room, and the crowd proceeded to elect nine Judges and carry on the election. The Free State men generally left the ground without voting, stating that there was no use in their voting there. The polls were so crowded during the first part of the day that the citizens could not get up to the window to vote. Threats were made against the Free State men. In the afternoon the Rev. Mr. Grispatrick was attacked and driven off by the mob. A man by some called "Texas," made a speech to the crowd, urging them to vote and remain on the ground until the polls were closed, for fear the abolitionists would come there in the afternoon and overpower them, and thus they would lose all their trouble.

For making an affidavit in a protest against this election, setting forth the facts, Mr. Burgess was indicted by the Grand Jury for perjury, which indictment was found more than fifteen months ago, and is still pending. Mr. Burgess never having been informed who his accuser was, or what was the testimony against him. A large majority, four to one, of the actual settlers of that district were free State men, and there cannot be the least doubt that if none but the actual settlers of the district had voted at that election, the free State candidate would have been elected. The number of legal voters in the district, according to the census returns, was 101. The total number of votes cast was 37; and these, or 32 are on the returns, and, from the testimony and records, we are satisfied that not over 40 legal votes were cast at that election. A body of armed Missourians came into the district previous to the election, and encamped there. Before the time arrived for opening polls, the Missourians went to another than the town appointed for the election; and one of the Judges appointed by the Governor, and two chosen by the Missourians, proceeded to open the polls and carry on the election. The Missourians said none but pro-slavery men should vote, and threatened to shoot any Free State man who should come up to vote. Mr. Mockbee, one of the judges elected by the Missourians, had a store near the boundary fixed by the proclamation of the Governor, while he cultivated a farm in Missouri, where his family lived, and where his legal residence was then and is now. The Missourians also held a side election for Governor of the Territory, voting for Thomas Johnson of Shawnee Mission. The Free State men, finding the polls under the control of non-residents, refused to, and did not, vote. They constituted a decided majority of the actual settlers. A petition signed by a majority of the residents of the district was sent to the Governor. The whole number of voters in this district, according to the census returns, was 47; the number of votes cast was 80, of whom but 15 were residents whose names are on the census rolls, who did not vote, was 32.

For some days prior to the election, companies of men were organized in Jackson, Cass, and Clay counties, Mo., for the purpose of coming to the Territory and voting in the 5th District. The day

previous to the election, some 400 or 500 Missourians, armed with guns, pistols, and knives, came into the Territory and camped, some at Bull Creek, and others at Potawatamie Creek. Their camps were about 16 miles apart. On the evening before the election, Judge Hamilton, of the Cass County Court, Mo., came from the Potawatamie Creek camp to Bull Creek for 50 Missourians, as they had not enough there to render the election certain, and about that number went down there with him. On the evening before the election Dr. B. D. Westfall, was elected to act as one of the Judges of Election in the Bull Creek precinct, in place of one of the Judges appointed by the Governor, who, it was said, would not be there the next day. Dr. Westfall was at that time a citizen of Jackson county, Mo. On the morning of election, the polls for Bull Creek precinct were opened, and, without swearing the Judges, then proceeded to receive the votes of all who offered to vote. For the sake of appearance, they would get some one to come to the window and offer to vote, and when asked to be sworn, he would pretend to grow angry at the Judges, and would go away, and his name would be put down as having offered to vote, but "rejected, refusing to be sworn." This arrangement was made previously, and perfectly understood by the judges. But few of the residents of the District were present at the election, and only 13 voted.—The number of votes cast in the precinct was 393.

One Missourian voted for himself and then voted for his little son, but 10 or 11 years old. Col. Coffey, Henry Younger, and Mr. Lykins, who were voted for and elected to the Legislature, were residents of Missouri at the time. Col. Coffey subsequently married in the Territory. After the polls were closed the returns were made, and a man, claiming to be a magistrate, certified on them that he had sworn the Judges of Election before opening the polls. In the Potawatamie precinct, the Missourians attended the election, and after threatening Mr. Chesnut, the only Judge present appointed by the Governor, to induce him to resign, they proceeded to elect two other Judges—one a Missourian and the other a resident of another precinct of that District. The polls were then opened, and all the Missourians were allowed to vote without being sworn.

After the polls were closed, and the returns made out, for the signature of the Judges, Mr. Chesnut refused to sign them, as he did not consider them correct returns of legal voters.

Col. Coffey, a resident of Missouri, but elected to the Kansas Legislature from that District at that election, endeavored with others to induce Mr. Chesnut by threats to sign the returns, which he refused to do, and left the house. On his way home he was fired at by some Missourians, though not injured. There were three illegal to one legal vote given there that day. At the Big Layer precinct, the judges appointed by the Governor met at the time appointed, and proceeded to open the polls, after being duly sworn. After a few votes had been received, a party of Missourians came into the yard of the house where the election was held, and unloading a wagon filled with arms, stacked their guns in the yard, and came up to the window and demanded to be admitted to vote. Two of the judges decided to receive their votes, whereupon the third judge, Mr. J. M. Arthur, resigned, and another was chosen in his place. Col. Young, a citizen of Missouri, but a candidate for and elected to the Territorial Legislative Council, was present and voted in the precinct. He claimed that all Missourians who were present on the day of election were entitled to vote. But thirty or forty of the citizens of the precinct were present. At the Little Sugar precinct, the election seemed to have been conducted fairly, and there a Free State majority was polled.

ed. From the testimony, the whole district appears to have been largely Free State, and had none but actual settlers voted, the Free State candidates would have been elected by a large majority. From a careful examination of the testimony and the records, we find that from 200 to 225 legal votes were polled out of 385, the total number given in the precincts of the fifth district. Of the total votes cast, the Free State candidate received 152.

#### SIXTH DISTRICT—FORT SCOTT.

A company of citizens from Missouri, mostly from Bates County, came into this district the day before the election, some camping and others putting up at the public house. They numbered from 100 to 200, and came in wagons and on horseback, carrying their provisions and tents with them, and were generally armed with pistols. They declared their purpose to vote and claimed the right to do so. They went to the polls generally in small bodies, with tickets in their hands, and many, if not all, voted. In some cases they declared they had voted, and gave their reasons for so doing. Mr. Anderson, a Pro-Slavery candidate for the Legislature, endeavored to dissuade the non-residents from voting, because he did not wish the election contested. This person, however, insisted on voting, and upon his right to do so. No one was challenged or sworn, and all voted who desired to. Out of 350 votes cast, not over 100 were legal, and but 64 of those named in the census taken one month before by Mr. Barber, the candidate for Council, voted. Many of the Free State men did not vote, but your Committee is satisfied that, of the legal votes cast, the Pro-Slavery candidates received a majority. Mr. Anderson, one of these candidates, was an unmarried man, who came into the District from Missouri a few days before the election, and boarded at the public house until the day after the election. He then took with him the poll lists and did not return to Fort Scott until the occasion of a barbecue the week before the election of October 1, 1855. H. voted at that election, and after it left, and has not since been in the District. S. A. Williams, the other Pro-Slavery candidate, at the time of the election had a claim in the Territory, but his legal residence was not there until after the election.

#### SEVENTH DISTRICT.

From two to three hundred men from the State of Missouri came in wagons or on horseback to the election ground at Switzer's Creek, in the 7th District, and encamped near the polls on the day preceding the election. They were armed with pistols and other weapons, and declared their purpose to vote, in order to secure the election of Pro-Slavery members. They said they were disappointed in not finding more Yankees there, and that they had brought more men than was necessary to counterbalance their vote. A number of them wore badges of blue ribbon, with a motto, and the company were under the direction of leaders. They declared their intention to conduct themselves peacefully, unless the residents of the Territory attempted to stop them from voting. Two of the Judges of Election appointed by Governor Reeder, refused to serve, whereupon two others were appointed in their stead by the crowd of Missourians who surrounded the polls. The newly appointed Judges refused to take the oath prescribed by Gov. Reeder, but made one to suit themselves. Andrew Johnson requested each voter to swear if he had a claim in the Territory, and if he had voted in another district. The Judges did not take the oath prescribed, but were sworn to receive all legal votes. The Missourians voted without being sworn. They supported H. J. Strickler, for Council, and M. W. McGee for Representative. They left the evening of the election. Some of them started on horseback for Lawrence, they said they

could be there before night, and all went the way they came. The census shows 53 legal voters in the District. 253 votes were cast; of these 25 were residents; 17 of whom were in the District when the census was taken. Some of the residents present at the polls did not vote, declaring it useless. Candidates declined to run on the Free-State ticket, because they were unwilling to run the risk of so unequal a contest, it being known that a great many were coming up from Missouri to vote. Nearly all the settlers were Free-State men, and 23 of the 25 legal votes given were cast for the only Free-State candidate running. Mobiller McGee, who was declared elected Representative, had a saw-mill and a house in the Territory—and he was there part of the time. But his legal residence is now, and was then, near Westport, in Missouri, where he owns and conducts a valuable farm, and where his family resides.

#### EIGHTH DISTRICT.

This was attached to the Seventh District for a member of the Council and a representative, and its vote was controlled by the illegal vote cast then. The census shows 39 votes in it—37 votes were cast, of whom a majority voted the Free State ticket.

#### NINTH DISTRICT.

Fort Riley and Pawnee are in this district. The latter place was selected by the Governor as the temporary capital; and he designed there to expend the sum appropriated by Congress in the construction of suitable houses for the Legislature. A good deal of building was then being done at the fort near by. For these reasons a number of mechanics, mostly from Pennsylvania, came into this district in March, 1855, to seek employment. Some of these voted at the election. The construction of the capital was first postponed, then abandoned, and finally the site of the town was declared by the Secretary of War to be within the military reservation of Fort Riley. Some of the inhabitants returned to the States, and some went to other parts of the Territory. Your Committee find that they came as settlers, intending to remain as such, and were entitled to vote.

#### TENTH DISTRICT.

In this district ten persons belonging to the Wyandott tribe of Indians voted. They were of that class who under the law are entitled to vote, but their residence was in Wyandott village, at the mouth of Kansas river, and they had no right to vote in this district. They voted the pro-slavery ticket. Eleven men, recently from Pennsylvania, voted the Free State ticket. From the testimony, they had not, at the time of the election, so established their residence as to have entitled them to vote. In both these classes of cases the Judges examined the voters under oath, and allowed them to vote, and in all respects the election seems to have been conducted fairly. The rejection of both would not have changed the result. This and the Eighth Election District, formed one Representative District, and was the only one to which the invasion from Missouri did not extend.

#### ELEVENTH DISTRICT.

The IX<sup>th</sup>, X<sup>th</sup>, XI<sup>th</sup> and XII<sup>th</sup> Election Districts, being all sparsely settled, were attached together as a Council District, and the XI<sup>th</sup> and XII<sup>th</sup> as a Representative District. This Election District is 60 miles north from Pawnee and 150 miles from Kansas City. It is the northwest settlement in the Territory, and contained, when the census was taken, but 36 inhabitants, of whom 24 were voters. There was, on the day of election, no white settlement about Marysville, the place of voting, for 40 miles, except that Marshall and Bishop kept a store and a ferry at the crossing of the Big Blue and California road. Your committee were unable to procure witnesses from this Dis-

trict. Persons who were present at the election were duly summoned by an officer, and among them was F. J. Marshall, the member of the House from that District. On his return the officer was arrested and detained, and persons bearing the names of some of the witnesses summoned were stopped near Lecompton, and did not appear before the Committee. The returns show, that in defiance of the Governor's proclamation, the voting was *viva voce*, instead of by ballot. 328 names appear upon the poll books, as voting, and by comparing these names with those on the census rolls, we find that but seven of the latter voted. The person voted for as Representative, F. J. Marshall, was chief owner of the store at Marysville, and was there sometimes, but his family lived in Weston. John Donaldson, the candidate voted for, for the Council, then lived in Jackson county, Missouri.

On the day after the election, Mr. Marshall, with 25 or 30 men from Weston, Mo., was on the way from Marysville to the State. Some of the party told a witness who had formerly resided at Weston, that they were up at Marysville and carried the day for Missouri, and that they had voted about 150 votes. Mr. Marshall paid the bill at that point for the party.

There does not appear to have been any emigration into that district in March, 1855, after the census was taken, and judging from the best test in the power of your Committee, there were but seven legal votes cast in the district, and 321 illegal.

#### TWELFTH DISTRICT.

The election in this district was conducted fairly. No complaint was made that illegal votes were cast.

#### THIRTEENTH DISTRICT.

Previous to the day of election, several hundreds of Missourians from Platte, Clay, Boone, Clinton and Howard counties, came into the district in wagons and on horseback, and camped there. They were armed with guns, revolvers and bowie-knives, and had badges of hemp in their button-holes and elsewhere about their persons. They claimed to have a right to vote, from the fact that they were there on the ground, and had, or intended to make claims in the Territory, although their families were in Missouri.

The Judges appointed by the Governor opened the polls, and some persons offered to vote, and when their votes were rejected, on the ground that they were not residents of the district, the crowd threatened to tear the house down if the Judges did not leave. The Judges then withdrew taking the poll books with them.

The crowd then proceeded to elect other persons to act as judges, and the election went on. Those persons voting who were sworn, were asked if they considered themselves residents of the district, and if they said they did, they were allowed to vote.—After the Missourians got through voting they returned home.

A formal return was made by the Judges of the election, setting out the facts, but it was not verified. The number of legal voters in this district, was 96, of whom a majority were Free State men. Of these — voted. The total number of votes cast were 296.

#### FOURTEENTH DISTRICT.

It was generally rumored in this district for some days before the election, that the Missourians were coming over to vote. Previous to the election, men from Missouri came into the district and elected for the Pro-Slavery candidates. Gen David R. Atchison and a party, controlled the nominations in one of the primary elections.

#### BURE OAK PRECINCT.

Several hundred Missourians, from Buchanan, Platte and Andrew counties, Mo., including a great

many of the prominent citizens of St. Joseph, came into this precinct the day before and on the day of election, in wagons and on horse, and encamped there. Arrangements were made for them to cross the ferry at St. Joseph free of expense to themselves. They were armed with bowie knives and pistols, guns and rifles. On the morning of the election, the Free State candidates resigned in a body, on account of the presence of a large number of armed Missourians, at which the crowd cheered and hurrahd. Gen. B. F. Stringfellow was present and was prominent in promoting the election of the pro-slavery ticket, as was also Hon. Willard P. Hall, and others of the most prominent citizens of St. Joseph, Mo. But one of the Judges of election, appointed by the Governor, served on that day, and the crowd chose two others to supply the vacancies.

The Missourians said they came there to vote for and secure the election of Major Wm. P. Richardson. Major Richardson, elected to the Council, had had a farm in Missouri, where his wife and daughter lived with his son-in-law, Willard P. Hall, he himself generally going home to Missouri every Saturday night. The farm was generally known as the Richardson farm. He had a claim in the Territory upon which was a saw mill, and where he generally remained during the week.

Some of the Missourians gave us their reason for voting, that they had heard that Eastern emigrants were to be at that election, though no Eastern emigrants were there. Others said they were going to vote for the purpose of making Kansas a slave State.

Some claimed that they had a right to vote under the provisions of the Kansas-Nebraska Bill, from the fact that they were present on the ground on the day of election.

The Free State men generally did not vote, and those who did vote voted generally for John H. Whitehead, pro-slavery, for Council, against Maj. William P. Richardson, and did not vote at all for members of the Lower House.

The parties were pretty nearly equally divided in the District, some being of opinion that the Free State party had a small majority, and others that the pro-slavery party had a small majority. After the election was over and the polls were closed, the Missourians returned home. During the day they had provisions and liquor served out free of expense, to all.

#### DONIPHAN PRECINCT.

The evening before the election some 200 or more Missourians from Platte, Buchanan, Saline and Clay counties, Missouri, came into this Precinct, with tents, music, wagons and provisions, and armed with guns, rifles, pistols and bowie-knives, and encamped about two miles from the place of voting. They said they came to vote, to make Kansas a slave State, and intended to return to Missouri after they had voted.

On the morning of the election the judges appointed by the Governor would not serve, and others were appointed by the crowd. The Missourians were allowed to vote without being sworn—some of them voting as many as eight or nine times; changing their hats and coats and giving in different names each time. After they had voted they returned to Missouri. The Free State men generally did not vote, though constituting a majority in the Precinct. Upon counting the ballots in the box, and the names on the poll lists, it was found that there were too many ballots, and one of the judges of election took out ballots enough to make the two numbers correspond.

#### WOLF RIVER PRECINCT.

But few Missourians were present in this Precinct, though some of them threatened one of the judges, because he refused to receive their votes,

and when he resigned another was chosen in his place who consented to receive their votes.

Protests were drawn up against the elections in the various precincts, in the 14th district, but on account of threats that greater numbers of Missourians would be at a new election, should it be called, and of personal violence to those who should take part in the protest, it was not presented to the Governor. Major Richardson, the pro-slavery candidate for Council, threatened Dr. Cutler, the free State candidate, that if he contested the election he and his office should be put in the Missouri river.

The number of votes in the district by the census was 334—of these 124 voted. The testimony shows that quite a number of persons whose legal residence was in the populous county of Buchanan, Mo., on the opposite of the river, had claims in the Territory. Some ranged cattle, others marked out their claim and built a cabin, and sold this incipient title where they could. They were not residents of the Territory in any just or legal sense. A number of settlers moved into the district in the month of March. Your Committee are satisfied, after a careful analysis of the records and testimony, that the number of legal votes cast did not exceed 200—out of 727.

#### FIFTEENTH DISTRICT.

The election in this District was held in the house of a Mr. Hays. On the day of election a crowd of from 400 to 500 men collected around the polls, of which the great body were citizens of Missouri. One of the Judges of Election, in his testimony states that the strangers commenced crowding around the polls, and then the residents left.— Threats were made before and during the election day, that there should be no Free State candidates, although there were nearly or quite as many Free State as Pro-Slavery men resident in the District. Most of the crowd were drinking and carousing, cursing the Abolitionists and threatening; the only Free State Judge of Election. A majority of those who voted wore hemp in their button holes, and their password was "all right on the hemp." Many of the Missourians were known and named by the witness. Several speeches were made by them at the polls, and amongst those who spoke were major Oliver, one of our Committee, Col. Burns and Lalan Williams of Platte county. Major Oliver urged upon all present to use no harsh words and expressed the hope that nothing would be said or done to harm the feelings of the most sensitive on the other side. He gave some grounds based on the Missouri Compromise in regard to the right of voting, and was understood to excuse the Missourians for voting. Your Committee are satisfied that he did not vote. Col. Burns recommended all to vote, and he hoped none would go home without voting. Some of the Pro-Slavery residents were much dissatisfied at the interference with their rights by the Missourians, and for that reason—because reflection convinced them that it would be better to have Kansas a Free State—they "fell over the fence"— The judges requested the voters to take an oath that they were actual residents. They objected at first, some saying they had a claim, or "I am here." But the Free State Judge insisted upon the oath, and his associates, who at first were disposed to waive it, coincided with him, and the voters all took it after some grumbling. One said he cut him some poles and laid them in shape of a square, and that made him a claim; and another said that he had cut him a few sticks of wood, and that made him a claim. The Free State men did not vote, although they believed their numbers to be equal to the pro-Slavery settlers, and some claimed that they had the majority. They were deterred by threats throughout by the Missourians, before and on the day of election, from putting up can-

dicates, and slave candidates were run, for this reason—that there was a credited rumor previously that the Missourians would control the election. The Free State Judge was threatened with expulsion from the polls, and a young man thrust a pistol into the window through which the votes were received. The whole number of votes cast was 417; of the names on the poll-book but 62 are in the census rolls, and the testimony shows that a small portion, estimated by one witness at one-quarter of the legal voters, voted. Your Committee estimate the number of legal voters at 80. One of the Judges referred to certified that the election was fairly conducted. It was not contested because no one would take the responsibility of doing it, as it was not considered safe, and that if another election was had the residents would fare no better.

#### SIXTEENTH DISTRICT.

For some time previous to the election, meetings were held and arrangements made in Missouri to get up companies to come over to the Territory and vote, and the day before and on the day of election, large bodies of Missourians from Platte, Clay, Ray, Charlton, Carroll, Clinton, and Saline counties, Mo., came into this district and camped there. They were armed with pistols and bowie-knives, and some with guns and rifles, and had badges of hemp in their button holes and elsewhere about their persons.

On the morning of the election there were from 1000 to 1,400 persons present on the ground. Previous to the election, Missourians endeavored to persuade the two Free State Judges to resign by making threats of personal violence to them, one of whom resigned on the morning of election, and the crowd chose another to fill his place. But one of the Judges, the Free State Judge, would take the oath prescribed by the Governor; the other two deciding that they had no right to swear any one who offered to vote, but that all on the ground were entitled to vote. The only votes refused were some Delaware Indians, some 30 Wyandotte Indians being allowed to vote.

One of the Free-State candidates withdrew in consequence of the presence of the Missourians, amid cheering and acclamations by the Missourians. During the day the steamboat *New Lucy* came down from Western Missouri, with a large number of Missourians on board, who voted and then returned on the boat.

The Missourians gave as a reason for their coming over to vote, that the North had tried to force emigration into the Territory, and they wanted to counteract that movement. Some of the candidates and many of the Missourians took the ground that, under the Kansas-Nebraska act, all who were on the ground on the day of election were entitled to vote, and others, that laying out a town, driving a lot, or driving down stakes, even on another man's claim, gave them a right to vote. And one of the members of the Council, R. R. Rees, declared in his testimony that he who should put a different construction upon the law must be either a knave or a fool.

The Free State men generally did not vote at that election; and no newly arrived Eastern Emigrants were there. The Free State Judge of Election refused to sign the returns until the words "by lawfull resident voters" were stricken out, which was done, and the returns made in that way. The election was contested, and a new election ordered by Governor Reeder for the 22d of May.

#### SEVENTEENTH DISTRICT.

The election in this District seems to have been fairly conducted, and not contested at all. In this District the Pro-Slavery party had the majority.

#### EIGHTEENTH DISTRICT.

Previous to the election, General David R. Atch-

ison of Platte City, Mo., got up a company of Missourians, and passing through Weston, Mo., went over into the Territory. He remained all night at the house of —, and then exhibited his arms, of which he had an abundance. He proceeded to the Nemaha (18th,) District. On his way him and his party attended a Nominating Convention in the 14th District, and proposed and caused to be nominated a set of candidates in opposition to the wishes of the Pro-Slavery residents of the district. At that Convention he said that there were 1,100 men coming over from Platte County, and if that wasn't enough they could send 5,000 more—that they came to vote, and would vote or kill every G—d d—d Abolitionist in the Territory.

On the day of the election, the Missourians, under Atchison, who were encamped there, came up to the polls in the 10th District, taking the oath that they were residents of the district. The Missourians were all armed with pistols or bowie knives, and said that there were 60 in their company. But 17 votes given on that day were given by residents of the district. The whole number of votes was 62.

R. L. Kirk, one of the candidates, came into the district from Missouri about a week before the election, and boarded there. He left after the election and was not at the time a legal resident of the district in which he was elected. No protest was sent to the Governor, on account of threats made against any who should dare to contest the election. The following tables embody the result of the examination of your Committee in regard to this election. In some of the districts it was impossible to ascertain the precise number of the legal votes cast. In such cases the number of legal and illegal votes cast is stated after a careful re-examination of all the testimony and records concerning the election.

[A table, giving an abstract of election of March 30, 1855, by Representative Districts, we omit, being very intricate, and not essential to an understanding of the report.

ABSTRACT OF CENSUS AND RETURNS OF ELECTION OF MARCH 30, 1855, BY ELECTION DISTRICTS.

PLACE OF VOTING.	Census.	Pro-Slavery Votes.	Anti-Slavery Votes.	Total of Legal Votes.	Total of Illegal Votes.	No. of Persons.	No. of Members.
Lawrence .....	781	253	1034	232	862	952	369 2 3
Bloomington .....	318	12 11	341	30	316	519	199 1 2
Stin's or Teem's .....	366	4	372	32	328	252	101 1 1
Dr. Chapman's .....	78	2	80	15	65	177	47 ..
(Bull Creek) .....	377	9	386	13	380	..	..
Pot-watamie .....	199	65	264	75	191	..	..
Big Sugar Creek .....	74	17	98	32	58	1407	442 2 4
Lit Sugar Creek .....	34	70	104	104	..	..	..
Fox Scott .....	315	35	350	100	250	810	253 1 3
Isaac B. Titts .....	211	23	224	25	209	118	58 1 1
Council Grove .....	17	17	3	37	37	..	83 39
Pawnee .....	23	52	75	75	..	86	36 1 i
Big Blue .....	27	42	69	48	21	151	68 ..
Rock Creek .....	2	21	23	23	..	..	..
Marysville .....	328	—	328	7	321	36	24 .. 1
St. Mary's .....	4	7	11	11	..	..	..
Silver Lake .....	12	19	2	33	33	..	144 78
Hickory Point .....	233	6	288	12	230	284	96 .. 1
Doniphan .....	313	30	3	346	..	..	..
Wolf Creek .....	57	15	6	75	200	530	1167 334 1 2
B. Oak Hedges .....	256	2	43	206	..	..	..
Hayes .....	412	—	5	417	60	337	673 208 1 2
Leavenworth .....	699	60	5	964	150	314	1133 385 2 3
Gum Springs .....	43	16	—	59	59	..	150 50 ..
Mooneystown .....	48	14	—	62	17	45	99 28 1 ..
Total.....	5427	791	92	6320	1310	4909	8501 2392 1326

\* Census. † Council. ‡ House.

Your Committee report the following facts not shown by the tables :

Of the twenty-nine hundred and five voters named in the census-rolls, eight hundred and thirty-one are found on the poll books. Some of the settlers were prevented from attending the election by the distance of their homes from the polls, but the great majority were deterred by the open avowal that large bodies of armed Missourians would be at the polls to vote, and by the fact that they did so appear and control the election. The same causes deterred the free State settlers from running candidates in several districts and in others induced the candidates to withdraw.

The poll books of the 2nd and 8th Districts were lost, but the proof is quite clear that in the 2nd District there were thirty, and in the 8th District thirty-eight legal votes, making a total of eight hundred and ninety-eight legal votes of the Territory, whose names are on the census returns, and yet the proof, in the state in which we are obliged to present it, after excluding illegal votes, leaves the total vote of 1,310, showing a discrepancy of 412. The discrepancy is accounted for in two ways: First, the coming in of settlers before the March election, and after the census was taken, or settlers who were omitted in the census; or secondly, the disturbed state of the Territory while we were investigating the elections in some of the districts, thereby preventing us from getting testimony in relation to the names of legal voters at the time of election.

If the election had been confined to the actual settlers undeterred by the presence of non-residents, or the knowledge that they would be present in numbers sufficient to outvote them, the testimony indicates that the Council would have been composed of seven in favor of a free State, elected from the 1st, 2d, 3d, 4th, and 6th Council Districts. The result in the 8th and 10th, electing three members, would have been doubtful, and the 5th, 6th and 9th, would have elected three pro-slavery members.

Under like circumstances, the House of Representatives would have been composed of fourteen members in favor of making Kansas a free State, elected from the 2d, 3d, 4th, 5th, 7th, 8th, 9th, and 10th Representative District.

The result in the 12th and 14th Representative Districts, electing five members, would have been doubtful, and the 1st, 6th, 11th, and 15th districts would have elected seven pro-slavery members.

By the election, as conducted, the Pro-Slavery candidates in every district but the 8th Representative district, received a majority of the votes; and several of them, in both the Council and House, did not "reside in" and were not "inhabitants of" the district for which they were elected, as required by the organic law. By that act it was declared to be "the true intent and meaning of this act to leave the people thereof perfectly free toiform and regulate their domestic institutions in their own way, subject to the Constitution of the United States." So careful was Congress of the right of popular sovereignty, that to secure it to the people, without a single petition from any portion of the country, they removed the restriction against Slavery imposed by the Missouri Compromise. And yet this right, so carefully secured, was thus by force and fraud overthrown by a portion of the people of an adjoining State.

The striking difference between this Republic and other Republics on this Continent is not in the provisions of Constitutions and laws, but that here changes in the administration of those laws have been made peacefully and quietly through the ballot-box. This invasion is the first and only one in the history of our Government by which an organized force from one State has

elected a Legislature for another State or Territory, and as such it should have been resisted by the whole executive power of the National Government.

Your Committee are of opinion that the Constitution and laws of the United States have invested the President and Governor of the Territory with ample power for this purpose. They could only act after receiving authentic information of the facts, but when received, whether before or after the certificates of election were granted, this power should have been exercised to its fullest extent. It is not to be tolerated, that a Legislative body thus elected should assume or exercise any legislative functions; and their enactments should be regarded as null and void; nor should the question of its legal existence as a legislative body, be determined by itself, as that would be allowing the criminal to judge of his own crime. In section 22 of the organic act it is provided, that "the persons having the highest number of legal votes in each of said Council Districts, for members of the Council, shall be declared by the Governor to be duly elected to the Council, and the persons having the highest number of legal votes for the House of Representatives, shall be declared by the Governor duly elected members of said House." The proclamation of the Governor required a verified notice of a contest, when one was made, to be filed with him within four days after the election. Within that time he did not obtain information as to force or fraud in any except the following Districts, and in these there were material defects in the returns of election. Without deciding upon his power to set aside elections for force and fraud, they were set aside for the following reasons:

In the 1st District, because the words "by lawful resident voters" were stricken from the return.

In the 2d District, because the oath was administered by G. W. Taylor, who was not authorized to administer an oath.

In the 3d District, because material erasures from the printed form of the oath were purposely made.

In the 4th District for the same reason.

In the 7th District, because the judges were not sworn at all.

In the 11th District, because the returns show the election to have been held *viva voce* instead of by ballot.

In the 16th District, because the words "by lawful residence" were stricken from the returns.

Although the fraud and force in other districts were equally great as in these, yet as the Governor had no information in regard to them, he issued certificates according to the returns.

#### ABSTRACT OF THE RETURNS OF ELECTION OF MAY 25, 1855

No.	Place of Voting	Pro-Slavery Votes	Free-State Votes	Sect.	To
I	Lawrence	—	288	15	306
II	Douglas	—	127	—	127
III	St. James	—	143	1	144
VII	"10"	68	—	13	79
VIII	Council Grove	—	33	—	33
XVI	Leavenworth	60	140	15	715
	Total	560	592	47	1409

Your Committee have felt it to be their duty not only to inquire into and collect evidence in regard to force and fraud attempted and practiced at the elections in the Territory, but also into the facts and pretenses by which this force and fraud had been excused and justified; and for this purpose your Committee have allowed the declarations of non-resident voters to be given as evidence in their own behalf; also the declarations of all who came up the Missouri river as emigrants in March, 1855, whether they voted or not, and whether they came into the Territory at all or not; and also the rumors which were circulated among the people of Mis-

souri previous to the election. The great body of testimony taken at the instance of the sitting delegates is of this character.

When the declarations of parties passing up the river were offered in evidence, your Committee received them upon the distinct statement that they would be excluded unless the persons making the declarations were by other proof shown to have been connected with the elections. This proof was not made, and therefore much of this class of testimony is incompetent by the rules of law, but is allowed to remain, as tending to show the cause of the action of the citizens of Missouri. The alleged causes of the invasion of March 1855, are included in the following charges:

I. That the New England Aid Society of Boston was then importing into the Territory large numbers of men, merely for the purpose of controlling the elections. That they came without women, children or baggage, went into the Territory, voted, and returned again.

II. That men were hired in the Eastern or Northern States, or induced to go to the Territory, solely to vote, and not to settle, and by so doing to make it a Free State.

III. That the Governor of the Territory purposely postponed the day of election to allow this emigration to arrive, and ratified the Emigrant Aid Society, and persons in the Eastern States, of the day of election, before he gave notice to the people of Missouri and the Territory.

That these charges were industriously circulated; that grossly exaggerated statements were made in regard to them; that the newspaper press and leading men in public meetings in Western Missouri, aided in one case by a Chaplain of the United States Army, gave currency and credit to them, and thus excited the people, and induced many well meaning citizens of Missouri to march into the Territory to meet and repel the alleged Eastern paupers and Abolitionists, is fully proven by many witnesses.

But these charges are not sustained by the proof.

In April, 1854, the General Assembly of Massachusetts passed an act entitled "An act to incorporate the Massachusetts Emigrant Aid Society."—The object of the Society, as declared in the first section of this act, was "for the purpose of assisting emigrants to settle in the West." The monied capital of the corporation was not to exceed five millions of dollars, but no more than four per cent. could be assessed during the year 1854, and no more than 10 per cent. in any one year thereafter. No organization was perfected or proceedings had under this law.

On the 24th day of July, 1854, certain persons in Boston, Massachusetts, concluded articles of agreement and association for an Emigrant Aid Society. The purpose of this Association was declared to be "assisting emigrants to settle in the West."—Under these articles of association each stockholder was individually liable. To avoid this difficulty, an application was made to the General Assembly of Massachusetts for an act of incorporation, which was granted. On the 21st day of February, 1855, an act was passed to incorporate the New England Emigrant Aid Company. The purposes of this act were declared to be "directing emigration westward, and aiding and providing accommodation for the emigrants after arriving at their place of destination." The capital stock of the corporation was not to exceed one million of dollars. Under this charter a company was organized.

Your Committee have examined some of its officers, and a portion of its circulars and records to ascertain what has been done by it. The public attention at that time was directed to the Territory of Kansas, and emigration naturally tended in

that direction. To ascertain its character and resources, this Company sent its agent into it, and the information thus obtained was published.—The Company made arrangements with various lines of transportation, to reduce the expense of emigration into the Territory, and procure tickets at the reduced rates. Applications were made to the Company by persons desiring to emigrate, and when they were numerous enough to form a party of convenient size, tickets were sold to them at the reduced rates. An agent acquainted with the route was selected to accompany them. Their baggage was checked, and all trouble and danger of loss to the emigrant in this way avoided.

Under these arrangements, companies went into the Territory in the Fall of 1854, under the articles of association referred to. The Company did not pay any portion of the fare, or furnish any personal or real property to the emigrant. The Company, during 1855, sent into the Territory from eight to ten saw mills, purchased one hotel in Kansas City, which they subsequently sold; built one hotel at Lawrence, and owned one other building in that place. In some cases, to induce them to make improvements, town lots were given to them by town associations in this Territory. They held no property of any other kind or description. They imposed no condition upon their emigrants, and did not inquire into their political, religious or social opinions. The total amount expended by them, including the salaries of their agents and officers, and the expenses incident to all organizations, was less than \$100,000.

Their purposes, as far as your committee can ascertain, were lawful, and contributed to supply those wants most experienced in the settlement of a new country.

The only persons or company who emigrated into the Territory under the auspices of the Emigrant Aid Society of 1855, prior to the election in March, was a party of 159 persons who came under the charge of Charles Robinson.

In this party there were 87 women and children. They came as actual settlers, intending to make their homes in the Territory, and for no other purpose. They had about their persons but little baggage; usually sufficient clothing in a carpet sack for a short time. Their personal effects, such as clothing, furniture, &c., was put into trunks and boxes; and for convenience in selecting, and cheapness in transporting, was marked "Kansas party baggage, care B. Slater, St. Louis." Generally this was consigned as freight in the usual way to the care of a commission merchant. This party had, in addition to the usual allowance of one hundred pounds to each passenger, a large quantity of baggage on which the respective owners paid the usual extra freight.

Each passenger or party paid his or their own expenses; and the only benefit they derived from the Society, not shared by all the people of the Territory, was the reduction of about \$7 in the price of the fare, the convenience of travelling in a company instead of alone, and the cheapness and facility of transporting their freight through regular agents. Subsequently, many emigrants, being either disappointed with the country or its political condition, or deceived by the statements made by the newspapers and by the agents of the Society, became dissatisfied, and returned, both before and after the election, to their old homes. Most of them are now settlers in the Territory. Some few voted at the election in Lawrence, but the number was small. The names of these emigrants have been ascertained, and — of them were found upon the poll books. This company of peaceful emigrants, moving with their household goods, was distorted into an invading horde of paper Abolitionists, who were, with others of a similar character, to control

the domestic institutions of the Territory, and then overturn those of a neighboring powerful State.

In regard to the second charge:—There is no proof that any man was either hired or induced to come into the Territory from any Free State, merely to vote. The entire emigration in March, 1855, is estimated at 500 persons, including men, women and children. They came on steamboats up the Missouri river, in the ordinary course of emigration. Many returned for causes similar to these before stated, but the body of them are now residents. The only persons of those who were connected by proof with the election, were some who voted at the Big Blue precinct in the 10th District, and at Pawnee in the 9th District. Their purpose and character are stated in a former part of this report.

The third charge is entirely groundless. The organic law requires the Governor to cause an enumeration of the inhabitants and legal voters to be made, and that he apportion the members of the Council and House according to this enumeration. For reasons stated by persons engaged in taking the census, it was not completed until the early part of March, 1855. At that time the day of holding the election had not been and could not have been named by the Governor. As soon as practicable after the returns were brought in, he issued his proclamation for an election, and named the earliest day consistent with due notice as the day of election. The day on which the election was to be held was a matter of conjecture all over the country. But it was generally known that it would be in the latter part of March. The precise day was not known by any one until the proclamation issued. It was not known to the agents of the Emigrant Aid Society in Boston on the 13th of March, 1855, when the party of emigrants before referred to, left.

Your Committee are satisfied that these charges were made the mere pretext to induce an armed invasion into the Territory, as a means to control the election and establish Slavery there.

The real purpose is avowed and illustrated by the testimony and conduct of Col. John Scott, of St. Joseph's Missouri, who acted as the attorney for the sitting delegate before your Committee.—The following are extracts from his deposition:

"Prior to the election in Burr Oak precinct, in the 14th district, on the 29th November, 1854, I had been a resident of Missouri, and I then determined if I found it necessary, to become a resident of Kansas Territory. On the day previous to that election I settled my board at my boarding-house, in St. Josephs, Missouri, and went over to the Territory, and took boarding with Mr. Bryant, near whose house the polls were held the next day, for one month, so that I might have it in my power, by merely determining to do so, to become a resident of the Territory on the day of election."

"When my name was proposed as a Judge of Election, objections were made by two persons only. \* \* \* I then publicly informed those present that I had a claim in the Territory; that I had taken board in the Territory for a month, and that I could at any moment become an actual resident and legal voter in the Territory, and that I would do so, if I concluded at any time during the day that my vote would be necessary to carry that precinct in favor of the Pro-Slavery candidate for delegate to Congress. \* \* \* I did not during the day consider it necessary to become a resident of the Territory for the purpose mentioned, and did not vote or offer to vote at that election."

"I held the office of City Attorney for St. Josephs at that time, and had held it for two or three years previously, and continued to hold it until this Spring. \* \* \* I voted at an election in St. Josephs in the Spring of 1855, and was re-

appointed City Attorney. The question of Slavery was put in issue at the election of November, 1854, to the same extent as in every election in this Territory. Gen. Whitfield was regarded as the Pro-Slavery candidate for the Pro-Slavery party. I regarded the question of Slavery as the primarily prominent issue at that election, and so far as I know all parties agreed in making that question the issue of that election.

"It is my intention, and the intention of a great many other Missourians now resident in Missouri, whenever the Slavery issue is to be determined upon by the people of this Territory in the adoption of the State Constitution, to remove to this Territory in time to acquire the right to become legal voters upon that question. The leading purpose of our intended removal to the Territory is to determine the domestic institutions of this Territory, when it becomes to be a State, and we would not come but for that purpose, and would never think of coming here but for that purpose. I believe there are a great many in Missouri who are so situated."

The invasion of March 30th, left both parties in a state of excitement, tending directly to produce violence. The successful party was lawless and reckless, while assuming the name of the "Law and Order" party. The other party, at first surprised and confounded, was greatly irritated, and some resolved to prevent the success of the invasion. In some districts as before stated, protests were sent to the Governor; in others this was prevented by threats; in others by the want of time, only four days being allowed by the proclamation for this purpose; and in others by the belief that a new election would bring a new invasion.—About the same time, all classes of men commenced bearing deadly weapons about the person—a practice which has continued to this time. Under these circumstances, slight or accidental quarrel produced unusual violence, and lawless acts became frequent. This evil condition of the public mind was further increased by acts of violence in Western Missouri, where, in April, a newspaper press called *The Parkerville Luminary* was destroyed by a mob.

About the same time, Malcom Clark assaulted Cole McCrea at a squatter meeting in Leavenworth, and was shot by McCrea in alleged self defence.

On the 17th of May, William Phillips, a lawyer of Leavenworth, was first notified to leave, and upon his refusal, was forcibly seized, taken across the river, and carried several miles into Missouri, and there tarred and feathered, and one side of his head shaved, and other gross indignities put upon his person.

Previous to the outrage a public meeting was held at which resolutions were unanimously passed, looking to unlawful violence, and grossly and intolerant in their character. The right of free speech upon the subject of slavery was characterized as a disturbance of the peace and quiet of the community, and as "circulating incendiary sentiments." They say "to the peculiar friends of Northern fanatics." "Go home and do your treason where you may find sympathy." Among other resolves is the following:

*Resolved*, That the institution of slavery is known and recognized in this Territory; that we repel the doctrine that it is a moral and political evil, and we hurl back with scorn upon its slanderous authors the charge of inhumanity; and we warn all persons not to come to our peaceful firesides to slander us, and sow the seeds of discord between the master and the servant; for, as much as we deprecate the necessity to which we may be driven, we cannot be responsible for the consequences.

A Committee of Vigilance of 30 men was appointed "to observe and repel all such persons as shall \* \* \* by the expression of Abolition sen-

timents produce disturbance to the quiet of the citizens, or danger to their domestic relations; and all such persons so offending shall be notified and made to leave the Territory."

The meeting was "ably and eloquently addressed by Judge Lecompte, Col. J. G. Burns, of Western Missouri, and others." Thus the head of the Judiciary in the Territory not only assisted at a public and bitterly partisan meeting, whose direct tendency was to produce violence and disorder, but before any law is passed in the Territory, he pre-judges the character of the domestic institutions, which the people of the Territory were, by their organic law, "left perfectly free to form and regulate in their own way."

On this Committee were several of those who held certificates of election as members of the Legislature; some of the others were then, and still are residents of Missouri, and many of the Committee have since been appointed to the leading offices in the Territory, one of which is the Sheriff of the county. Their first act was that of mobbing Phillips.

Subsequently, on the 25th of May, A. D. 1855, a public meeting was held, at which R. R. Rees, a member elect of the Council, presided. The following resolutions, offered by Judge Payne, a member elect of the House, were unanimously adopted:

*Resolved*, That we heartily indorse the action of the Committee of citizens that shaved, tarred and feathered, rode on a rail, and sold by a negro, Wm. Phillips, the moral perjurer.

*Resolved*, That we return our thanks to the Committee for faithfully performing the trust enjoined upon them by the Pro-Slavery party.

*Resolved*, That the Committee be now discharged.

*Resolved*, That we severally condemn those Pro-Slavery men who from mercenary motives, are calling upon the Pro-Slavery party to submit without further action.

*Resolved*, That in order to secure peace and harmony to the community, we now solemnly declare that the Pro-Slavery party will stand firmly by and carry out the resolutions reported by the Committee appointed for that purpose on the memorable 30th.

The act of moral perjury here referred to, is the swearing by Phillips to a truthful protest in regard to the election of March 30, in the 16th district.

The members receiving their certificates of the Governor as members of the General Assembly of the territory, met at Pawnee, the place appointed by the Governor, on the 2d of July, A. D. 1855. Their proceedings are stated in three printed books, herewith submitted, entitled respectively, "The Statutes of the Territory of Kansas," "The Journal of the Council of the Territory of Kansas," and "The Journal of the House of Representatives of the Territory of Kansas."

Your Committee do not regard their enactments as valid laws. A Legislature thus imposed upon a people cannot affect their political rights. Such an attempt to do so, if successful, is virtually an overthrow of the organic law, and reduces the people of the Territory to the condition of vassals to a neighboring State. To avoid the evils of anarchy, no armed or organized resistance to them should be made, but the citizens should appeal to the ballot box at public elections, to the Federal Judiciary, and to Congress for relief. Such, from the proof, would have been the course of the people, but for the nature of these enactments, and the manner in which they are enforced. Their character and their execution have been so intimately connected with one branch of this investigation—that relating to "violent and tumultuous proceedings in the Territory"—that we were compelled to examine them.

The "laws" in the statute books are general and special; the latter are strictly of a local character, relating to bridges, roads, and the like. The great body of the general laws are exact transcripts of the Missouri Code. To make them in some cases conform to the organic act, separate acts were passed defining the meaning of words. Thus the word "State" is to be understood as meaning "Territory," the word "County Court" shall be construed to mean the Board of Commissioners transacting county business, or the Probate Court, according to the intent thereof. The words "Circuit Court" to mean District Court."

The material difference in the Missouri and Kansas statutes are upon the following subjects: The qualifications of voters and of members of the Legislative Assembly; the official oath of all officers, attorneys and voters; the mode of selecting officers and the qualifications of jurors.

Upon these subjects the provisions of the Missouri Code are as usual in many of the States. But by the "Kansas Statutes," every officer in the Territory, executive and judicial, was to be appointed by the Legislature, or by some officer appointed by it. These appointments were not merely to meet a temporary exigency, but were to hold over to regular election and until after the general election in October, 1857, at which the members of the new Council were to be elected. The new Legislature is required to meet on the first Monday in January, 1858. Thus, by the terms of these "Laws," the people have no control whatever over either the Legislature, the Executive, or the Judicial departments of the Territorial Government until a time before which, by the natural progress of population, the Territorial Government will be superseded by State Government.

No session of the Legislature is to be held during 1856, but the members of the House are to be elected in October of that year. A candidate, to be eligible at this election, must swear to support the Fugitive Slave Law, and each Judge of election, and each voter, if challenged, must take the same oath. The same oath is required of every officer elected or appointed in the Territory, and of every attorney admitted to practice in the courts.

A portion of the militia is required to muster on the day of the election. "Every free white male citizen of the United States, and every free male Indian who is made a citizen by treaty or otherwise, and over the age of twenty-one years, and who shall be an inhabitant of the Territory, and of the County and District in which he offers to vote, and shall have paid a territorial tax, shall be a qualified elector for all elective offices." Two classes of persons were thus excluded who by the organic act was allowed to vote, viz: those who would not swear to the oath required, and those of foreign birth who had declared on oath their intention to become citizens. Any man of proper age who was in the Territory on the day of election, and who had paid one dollar as a tax to the Sheriff, who was required to be at the polls to receive it, could vote as an "inhabitant," although he had breakfasted in Missouri and intended to return there for supper. There can be no doubt that this unusual and unconstitutional provision was inserted to prevent a full and fair expression of the popular will in the election of members of the House, or to control it by non-residents.

All Jurors are required to be selected by the Sheriff, and "no person who is conscientiously opposed to the holding of slaves, or who does not admit the right to hold slaves in the Territory shall be a Juror in any cause" affecting the right to hold slaves or relating to slave property.

The Slave Code, and every provision relating to slaves, are of a character intolerant and unusual even for that class of legislation. The character

and conduct of the men appointed to hold office in the Territory contributed very much to produce the events which followed. Thus, Samuel I. Jones was appointed Sheriff of the county of Douglas, which included within it the 1st and 2nd Election District. He had made himself peculiarly obnoxious to the settlers by his conduct on the 30th of March, in the 2d District, and by his burning the cabins of Joseph Oakley and Samuel Smith.

An election for delegates to Congress, to be held on the 1st day of October 1855, was provided for with the same rules and regulations as were applied to other elections. The free State men took no part in this election, having made arrangements for holding an election on the 9th of the same month. The citizens of Missouri attended at the election of the 1st of October, some paying the dollar tax, others not being required to pay it. They were present and voted at the voting places of Atchison and Doniphan in Atchison county; at Green Springs, Johnson county; at Willow Springs, Franklin and Lecompton, in Douglas county; at Fort Scott, Bourbon county; at Baptiste Paela, Lynkens county, where some Indians voted, some whites paying the \$1 tax for them; at Leavenworth city and Kickapoo city, Leavenworth county; at the latter place under the lead of General R. F. Stringfellow and Col. Lewis Barnes, of Missouri. From two of the election precincts at which it was alleged there was illegal voting, viz: Delaware and Wyandotte, your Committee failed to obtain the attendance of witnesses. Your Committee did not deem it necessary in regard to this election to enter into details, as it was manifest that from there being but one candidate—General Whitfield—he must have received a majority of the votes cast. This election, therefore, depends not on the number or character of the votes received, but upon the validity of the laws under which it was held. Sufficient testimony was taken to show that the voting of citizens of Missouri was practiced at this election, as at all former elections in the Territory. The following table will exhibit the result of the testimony as regards the number of legal and illegal votes at this election. The county of Marshall embraces the same territory as was included in the 11th district; and the reasons before stated indicate that the great majority of the votes then cast were either illegal or fictitious. In the counties to which our examination extended, there were — illegal votes cast, as near as the proof will enable us to determine.

ABSTRACT OF POLL-BOOKS OF OCTOBER 1, 1855.		COUNTIES.	TOWNSHIPS.	No. of Legal Votes.	No. of Illegal Votes.
Atchison.....	Grasshopper.....			..	..
	Shannon.....				
Bourbon .....		50		193	
Brown .....		4		..	
Calhoun .....		29		✓	
Davis .....		12			
Doniphan.....	Burr Oak.....	41		1	
	Iowa.....	31			
	Wayne.....	69		4	
	Washington.....	29			
	Wolf River.....	53			
Douglas.....	Franklin.....	35		68	
	Lawrence.....	42		..	
	Lecompton.....	35			
	Willow Springs	35		50	
Franklin.....		15		..	
Jefferson.....		90		100	
Johnson.....	Alexandria.....			..	
Leavenworth.....	Delaware.....				
	Kickapoo.....			50	
	Leavenworth.....			100	
Loykins .....	Wyandot.....				
		70		150	
Lynn .....	(See Wiss Co.)			..	
Madison.....					
Marshall.....		24		147	
Nemaha .....		6		..	
Riley .....		23		..	
Shawnee One Hundred and Ten	Tecumseh.....	23		..	
	Council Grove.....	23		..	
Wise .....		14		..	

While these enactments of the alleged Legislative assembly were being made, a movement was instituted to form a State Government and apply for admission into the Union as a State. The first step taken by the people of the Territory, in consequence of the invasion of March 30, 1855, was the circulation for signature of a graphic and truthful memorial to Congress. Your Committee find that every allegation in this memorial has been sustained by the testimony. No further step was taken, as it was hoped that some action by the General Government would protect them in their rights. When the alleged Legislative Assembly proceeded to construct the serious of enactments referred to, the settlers were of opinion that submission to them would result in depriving them of the rights secured to them by the organic law.— Their political condition was freely discussed in the Territories during the summer of 1855. Several meetings were held in reference to holding a Convention to form a State Government and to apply for admission into the Union as a State. Public opinion gradually settled in favor of such an application to the Congress to meet in December, 1855. The first general meeting was held in Lawrence on the 15th of August, 1855.

The following preamble and resolutions were then passed:

"Whereas, The people of Kansas have been, since its settlement, and now are, without any law-making power; therefore be it

*Resolved*, That we, the people of Kansas Territory, in mass meeting assembled, irrespective of party distinctions, influenced by common necessity, and greatly desirous of promoting the common good, do hereby call upon and request all *bona fide* citizens of Kansas Territory, of whatever political views or predilections, to consult together in their respective Election Districts, and in mass convention or otherwise, elect three delegates for each representative to which said Election District is entitled in the House of Representatives of the Legislative Assembly, by proclamation of Governor Reeder, of date 19th of March, 1855; said delegates to assemble in Convention at the town of Topeka on the 19th day of September, 1855, then and there to consider and determine upon all subjects of public interest, and particularly upon that having reference to the speedy formation of a State Constitution, with an intention of an immediate application to be admitted as a State into the Union of the United States of America."

Other meetings were held in various parts of the Territory, which endorsed the action of the Lawrence meeting, and delegates were selected in compliance with its recommendations.

They met at Topeka, on the 19th day of September, 1855. By their resolutions they provided for the appointment of an Executive Committee, to consist of seven persons, who required to "keep a record of their proceedings, and shall have a general superintendence of the affairs of the Territory, so far as regards the organization of the State Government." They were required to take steps for an election to be held on the second Tuesday of the October following, under regulations imposed by that Committee, "for members of a Convention to form a Constitution, adopt a Bill of Rights for the people of Kansas, and take all needful measures for organizing a State Government, preparatory to the admission of Kansas into the Union as a State." The rules prescribed were such as usually govern elections in most States of the Union, and in most respects were similar to those contained in the proclamation of Gov. Reeder for the election of March 30, 1855.

The Executive Committee, appointed by that Convention, accepted their appointment, and entered upon the discharge of their duties by issuing a

proclamation addressed to the legal of Kansas, requesting them to meet at their several Precincts, at the time and places named in the proclamation, then and there to cast their ballots for members of a Constitutional Convention, to meet at Topeka on the Fourth Tuesday of October then next.

The proclamation designated the places of elections, appointed Judges, recited the qualifications of voters, and the apportionment of members of the Convention.

After this proclamation was issued, public meetings were held in every District in the Territory, and in nearly every Precinct. The State movement was a general topic of discussion throughout the Territory, and there was but little opposition exhibited to it. Elections were held at the time and places designated, and the returns were sent to the Executive Committee.

The result of the election was proclaimed by the Executive Committee, and the members elect were required to meet on the 23d day of October, 1855, at Topeka. In pursuance of this proclamation and direction, the Constitutional Convention met at the time and place appointed, and formed a State Constitution. A memorial to Congress was also prepared, praying for the admission of Kansas into the Union under that Constitution. The Convention also provided that the question of the adoption of the Constitution and other questions be submitted to the people, and required the Executive Committee to take the necessary steps for that purpose.

Accordingly, an election was held for that purpose on the 15th day of December, 1855, in compliance with the proclamation issued by the Executive Committee. The returns of this election were made by the Executive Committee, and an abstract of them is contained in the following table.

[We have room to give only, from the table, the whole number of votes cast in thirty-nine towns, as follows:]

	General Banking and Trade	Exclusion of Negroes and Mestizos	No. votes cast
Yes	1120	646	483
Total	1831 45	1287	1728

N. B.—Poll-book at Leavenworth was destroyed.

The Executive Committee then issued a proclamation reciting the results of the election of the 15th of December and at the same time provided for an election to be held on the 15th day of January, 1856, for State Officers and members of the General Assembly of the State of Kansas. An election was accordingly held in the several election precincts, the returns of which were sent to the Executive Committee.

The result of this election was announced by a proclamation by the Executive Committee.

In accordance with the Constitution thus adopted, the members of the State Legislature and most of the State officers met on the day and at the place designated by the State Constitution, and took the oath therein prescribed.

After electing United States Senators, passing some preliminary laws, and appointing a Codifying Committee and preparing a memorial to Congress, the General Assembly adjourned to meet on the 4th day of July, 1856.

The laws passed were all conditional upon the admission of Kansas as a State into the Union. These proceedings were regular, and in the opinion of your Committee, the Constitution thus adopted fairly expresses the will of a majority of the settlers. They now await the action of Congress upon their memorial.

These elections, whether they were conducted in pursuance of law or not, were not illegal.

Whether the result of them is sanctioned by the act of Congress, or they are regarded as the mere

expression of a popular will, and Congress should refuse to grant the prayer of the Memorial, that cannot affect their legality. The right of the people to assemble and express their political opinion in any form, whether by means of an election or a convention, is secured to them by the Constitution of the United States. Even if the elections are to be regarded as the act of a party, whether political or otherwise, they were proper, in accordance with examples, both in States and Territories.

The elections, however, were preceded and followed by acts of violence on the part of those who opposed them, and those persons who approved and sustained the invasion from Missouri were peculiarly hostile to these peaceful movements preliminary to the organization of a State Government. Instances of this violence will be referred to hereafter.

To provide for the election of Delegates to Congress, and at the same time to do it in such a manner as to obtain the judgment of the House of Representatives upon the validity of the alleged Legislative Assembly sitting at Shawnee Mission, a Convention was held at Big Springs on the 5th and 6th days of September, 1855. This was a party Convention, and a party calling itself the Free State party was then organized. It was in no way connected with the State government, except that the election of Delegate to Congress was fixed by it on the same day as the election of members of a Constitutional Convention, instead of the day prescribed by the alleged Legislative Assembly. Andrew H. Reeder was put in nomination as Territorial Delegate to Congress, and an election was provided for under the regulations prescribed for the election of March 30, 1855, excepting as to the appointment of officers, and the persons to whom the returns of the elections should be made. The election was held in accordance with these regulations.

(The Report here gives an abstract of the election of A. H. Reeder. He received 2,816 votes.)

The resolutions passed by this Convention indicate the state of feeling which existed in the Territory in consequence of the invasion from Missouri, and the enactments of the alleged Legislative Assembly. The language of some of the resolutions is violent, and can only be justified either in consequence of the attempt to enforce the grossest acts of tyranny, or for the purpose of guarding against a similar invasion in future.

In the fall of 1855, there sprang out of the existing discords and excitement in the Territory, two secret Free State Societies. They were defensive in their character, and were designed to form a protection to their members against unlawful acts of violence and assault. One of the societies was purely of a local character, and was confined to the town of Lawrence. Very shortly after its organization it produced its desired effect, and then went out of use and ceased to exist. Both societies were cumbersome, and of no utility except to give confidence to the Free State men, and enable them to know and aid each other in contemplated danger. So far as the evidence shows, they led to no act of violence in resistance to either real or alleged laws.

On the 21st day of November, 1855, F. M. Coleman, a Pro-Slavery man, and Charles W. Dow, a free State man, had a dispute about the division line between their respective claims. Several hours afterward, as Dow was passing from a blacksmith's shop toward his claim, and by the cabin of Coleman, the latter shot Dow with a double-barreled gun loaded with slugs. Dow was unarmed. He fell across the road and died immediately. This was about 1 o'clock P. M. His dead body was allowed to lie where it fell until after sundown, when

it was conveyed by Jacob Branson to his house, at which Dow boarded. The testimony in regard to this homicide is voluminous, and shows clearly that it was a deliberate murder by Coleman, and that Harrison B. Ilkley and a Mr. Hargous were accessories to it. The excitement caused by it was very great among all classes of the settlers. On the 26th a large meeting of the citizens was held at the place where the murder was committed, and resolutions passed that Coleman should be brought to justice. In the meantime Coleman had gone to Missouri, and then to Governor Shannon at Shawnee Mission, in Johnson county.—He was there taken into custody by S. I. Jones, then acting as Sheriff. No warrant was issued or examination had. On the day of the meeting at Hickory Point, Harrison Brady procured a peace warrant against Jacob Branson, which was placed in the hands of Jones. That same evening, after Branson had gone to bed, Jones came to his cabin with a party of about 25 persons, among whom were Hargous and Buckley—burst open the door and saw Branson in bed. He then drew his pistol, cocked it, and presented it to Branson's breast, and said, "You are my prisoner, and if you move I will blow you through." The others cocked their guns and gathered round him and took him prisoner. They all mounted and went to Buckley's house. After a time they went on a circuitous route towards Blanton's Bridge, stopping to "drink" on the way. As they approached it there were 13 in the party, several having stopped. Jones rode up to the prisoner and, among other things, told him that he had "heard there were 100 men at your house to-day," and "that he regretted they were not there, and that they were cheated out of their sport." In the mean time, the alarm had been given in the neighborhood of Branson's arrest, and several of the settlers, among whom were some who had attended the meeting at Hickory Point that day, gathered together. They were greatly excited; the alleged injustice of such an arrest of a quiet settler under a peace warrant by "Sheriff Jones," aided by two men believed to be accessory to a murder, and who were allowed to be at large, exasperated them, and they proceeded as rapidly as possible by a nearer route than that taken by Jones, and stopped near the house of J. S. Abbott, one of them. They were on foot as Jones' party approached on a canter. The rescuers suddenly formed across the road in front of Jones and his party. Jones halted and asked, "What's up?" The reply was, "That's what we want to know! What's up?" Branson said, "They have got me a prisoner." Some one in the rescuing party told him to come over to their side. He did so, and dismounted, and the mule he rode was driven over to Jones' party; Jones then left. Of the persons engaged in this rescue three were from Lawrence, and had attended the meeting. Your Committee have deemed it proper to detail the particulars of this rescue, as it was made the ground work of what is known as the Wakarusa War. On the same night of the rescue the cabins of Coleman and Buckley were burned, but by whom it is left in doubt by the testimony.

On the morning of the rescue of Branson, Jones was at the village of Franklin near Lawrence. The rescue was spoken of in the presence of Jones, and more conversation passed between two others in his presence, as to whether it was most proper to send for assistance to Col. Boone, in Missouri, or to Gov. Shannon. Jones wrote a dispatch and handed it to a messenger. As soon as he started, Jones said: "That man is taking my dispatch to Missouri, and by God I will have my revenge before I see Missouri." A person present, who was examined as a witness, complained publicly that the dispatch was not sent to the Governor; and

within half an hour one was sent to the Governor by Jones, through Hargous. Within a few days, large numbers of men from the State of Missouri gathered and encamped on the Wakarusa. They brought with them all the equipments of war. To obtain them, a party of men under the direction of Judge T. V. Thompson, broke into the United States Arsenal and Armory at Liberty, Missouri, and after a forcible detention of Captain Leonard, (then in charge,) they took the cannon, muskets, rifles, powder, harness, and indeed all the materials and munitions of war they desired, some of which have never been returned or accounted for.

The chief hostility of this military foray was against the town of Lawrence, and this was especially the case with the officers of the law.

Your committee can see in the testimony no reason, excuse or palliation of this feeling. *Up to this time no warrant or proclamation of any kind had been in the hands of any officer against any citizen of Lawrence.* No arrest had been attempted, and no writ resisted in that town. The rescue of Branson sprang out of a murder committed thirteen miles from Lawrence, in a detached settlement, and neither the town nor its citizens extended any protection to Branson's rescuers. On the contrary, two or three days after the rescue, S. N. Wood, who claimed publicly to be one of the rescuing party, wished to be arrested for the purpose of testing the Territorial laws, and walked up to Sheriff Jones and shook hands with him, and exchanged other courtesies. He could have been arrested without any difficulty, and it was his design when he went to Mr. Jones to be arrested, but no attempt was made to do so.

It is obvious that the only cause of this hostility is the known desire of the citizens of Lawrence to make Kansas a Free State, and their repugnance to laws imposed upon them by non-residents.

Your Committee do not propose to detail the incidents connected with this foray. Fortunately for the peace of the country, a direct conflict between the opposing forces was avoided by an amicable arrangement. The losses sustained by the settlers in property taken and time and money expended in their own defence, added much to the trials incident to a new settlement. Many persons were unlawfully taken and detained—in some cases, under circumstances of gross cruelty. This was especially so in the arrest and treatment of Dr. G. A. Cutler and G. F. Warren. They were taken, without cause or warrant, 60 miles from Lawrence, and when Dr. Cutler was quite sick. They were compelled to go to the camp at Lawrence, were put in the custody of "Sheriff Jones," who had no process to arrest them—they were taken into a small room kept a liquor shop, which was open and very cold. That night Jones came in with others, and went "to playing poker at 25 cents ante." The prisoners were obliged to sit up all night, as there was no room to lie down when the men were playing. Jones insulted them frequently, and told one of them he must either "tell or swing." The guard then objected to this treatment of prisoners, and Jones desisted. G. F. Warren thus describes their subsequent conduct:

They then carried us down to their camp; Kelley of the *Squatter Sovereign*, who lives in Atchison, came round and said he thirsted for blood, and said he should like to hang us on the first tree. Cutler was very weak, and that excited him so that he became delirious. They sent for three doctors, who came. Dr. Stringfellow was one of them. They remained there with Cutler until after midnight, and then took him up to the office, as it was very cold in camp.

During the foray, either George W. Clark, or Mr. Burns, murdered Thomas Barber, while the

latter was on the highway on his road from Lawrence to his claim. Both fired at him, and it is impossible from the proof to tell whose shot was fatal. The details of this homicide are stated by eye-witnesses.

Among the many acts of lawless violence which has been the duty of your Committee to investigate, this invasion of Lawrence is the most defenseless. A comparison of the facts proven, with the official statements of the officers of the Government, will show how groundless were the pretenses which gave rise to it. A community in which no crime had been committed by any of its members, against none of whom had a warrant been issued or a complaint made, who had resisted no process in the hands of a real or pretended officer, was threatened with destruction in the name of "law and order" and that, too, by men who marched from a neighboring State with arms obtained by force, and who, in every stage of their progress, violated many laws, among others the Constitution of the United States.

The chief guilt of it must rest on Samuel J. Jones. His character is illustrated by his language at Lecompton, where peace was made: "The said Major Clark and Burns both claimed the credit of killing that d—d Abolitionist, and he didn't know which ought to have it. If Shannon hadn't been a d—d old fool, that peace would never have been declared. He would have swiped Lawrence out. He had men and means enough to do it."

Shortly after the retreat of the forces from before Lawrence, the election upon the adoption of the State Constitution was held at Leavenworth City, on the 15th of December, 1855. While it was proceeding quietly, about noon Charles Dunn, with a party of others, smashed in the window of the building in which the election was being held, and then jumped into the room where the judges of election were sitting, and drove them off. One of the clerks of election snatched up the ballot-box and followed the judges, throwing the box behind the counter of an adjoining room through which he passed on his way out. As he got to the street door, Dunn caught him by the throat and pushed him up against the outside of the building, and demanded the ballot-box.

Then Dunn and another person struck him in the face, and he fell into the mud; the crowd rushed on him, and kicked him on the head and in the sides. In this manner the election was broken up, Dunn and his party obtaining the ballot-box and carrying it off.

To avoid a similar outrage at the election for State officers, &c., to be held on the 15th of January, 1856, the election for Leavenworth District was appointed to be held at Easton, and the time postponed until the 17th of January, 1856. On the way to the election, persons were stopped by a party of men at a grocery, and their guns taken from them. During the afternoon, parties came up to the place of election, and threatened to destroy the ballot box, and were guilty of other insolent and abusive conduct. After the polls were closed, many of the settlers, being apprehensive of an attack, were armed in the house where the election had been held the next morning. That night, S. Sparks, his son and nephew, started for home, his route running by the store of a Mr. Dawson, where a large party of armed men had collected. As he approached, these men demanded that he should surrender, and gathered about him to enforce the demand. Information was carried by a man in the company of Mr. Sparks to the house where the election had been held. R. P. Brown and a company of men immediately went down to relieve Mr. Sparks, and did relieve him when he was in imminent danger. Mr. Sparks

then started back with Mr. Brown and his party, and while on their way were fired upon by the other party. They returned the fire, and an irregular fight then ensued, in which a man by the name of Cook, of the Pro-Slavery party, received a mortal wound, and two of the Free State were slightly wounded.

Mr. Brown, with seven others who had accompanied him from Leavenworth, started on their return-home. When they had proceeded part of the way, they were stopped and taken prisoners by a party of men called the Kickapoo Rangers, under the command of Capt. John W. Martin. They were disarmed and taken back to Easton, and put in Dawson's store. Brown was separated from the rest of his party and taken into the office of E. S. Trotter. By this time several of Martin's party and some of the citizens of the place had become intoxicated and expressed a determination to kill Brown. Captain Martin was desirous to and did all in his power to save him. Several hours were spent in determining what should be done with Brown and his party. In the meantime, without the knowledge of his party, Capt. Martin liberated all of Brown's party but himself, and aided them in their escape. The crowd repeatedly tried to get in the room where Brown was, and at one time succeeded, but were put out by Martin and others. Martin, finding that further effort on his part to save Brown was useless, left and went home. The crowd then got possession of Brown and finally butchered him in cold blood. The wound of which he died was inflicted with hatchet by a man of the name of Gibson. After he had been mortally wounded, Brown was sent home with Charles Dunn, and died that night.—No attempt was made to arrest or punish the murderers of Brown. Many of them were well known citizens, and some of them were officers of the law. On the next Grand Jury which sat in Leavenworth county, the Sheriff summoned several of the persons implicated in this murder. One of them was M. P. Rively, at that time Treasurer of the County. He has been examined as a witness before us. The reason he gives why no indictments were found is, "they killed one of the Pro-Slavery men and the Pro-Slavery men killed one of the others, and I thought it was about mutual." The same Grand Jury, however, found bills of indictment against those who acted as Judges of the Free State election. Rively says:—"I know our utmost endeavors were made to find out who acted as Judges and Clerks on the 17th of January last, and at all the bogus elections held by the Abolitionists here. We were very anxious to find them out, as we thought them acting illegally."

Your Committee, in their examinations, have found that in no case of crime or homicide, mentioned in the report or in the testimony, has any indictment been found against the guilty party, except in the homicide of Clark by McCrea, McCrea being a Free-State man.

Your Committee did not deem it within their power or duty to take testimony as to the events which have transpired since the date of their appointment; but as some of the events tended seriously to embarrass, hinder, and delay their investigations, they deem it proper here to refer to them. On their arrival in the Territory the people were arrayed in two hostile parties. The hostility of them was continually increased during their stay in the Territory by the arrival of armed bodies of men, who, from their equipments, came not to follow the peaceful pursuits of life, but armed and organized into companies, apparently for war—by the unlawful detention of persons and property while passing through the State of Missouri, and by frequent forceable seizures of persons and property in the Territory without legal warrant.—Your Committee regret that they were compelled

to witness instances of each of these classes of outrages. While holding their session at Westport, Mo., at the request of the sitting Delegate they saw several bodies of armed men, confessedly citizens of Missouri, march into the Territory on forays against its citizens, but under the pretence of enforcing the enactments before referred to. The wagons of emigrants were stopped in the highways, and searched without claim of legal powers, and in some instances all their property taken from them. In Leavenworth City leading citizens were arrested at noon-day in our presence, by an armed force, without any claim of authority, except that derived from a self-constituted Committee of Vigilance, many of whom were Legislative and Executive officers. Some were released on promising to leave the Territory, and others being detained for a time were formally notified to leave, under the severest penalties. The only offence charged against them was their political opinions, and no one was thus arrested for alleged crime of any grade. There was no resistance to these lawless acts by the settlers, because, in their opinion, the persons engaged in them would be sustained and reinforced by the citizens of the populous border counties of Missouri, from whence they were only separated by the river. In one case witnessed by your Committee, an application for the writ of *habeas corpus* was prevented by the urgent solicitation of pro-slavery men, who insisted that it would endanger the life of the prisoner to be discharged under legal process.

While we remained in the Territory, repeated acts of outrage were committed upon the quiet, unoffending citizens, of which we received authentic intelligence. Men were attacked on the highway, robbed, and subsequently imprisoned. Men were seized and searched, and their weapons of defence taken from them without compensation. Horses were frequently taken and appropriated. Oxen were taken from the yoke while plowing, and butchered in the presence of their owners. One young man was seized in the streets of the town of Atchison, and under circumstances of gross barbarity was arrested and cottoned, and in that condition was sent to his family. All the provisions of the Constitution of the United States, securing persons and property, are utterly disregarded. The officers of the law, instead of protecting the people, were in some instances engaged in these outrages, and in no instance did we learn that any man was arrested, indicted or punished for any of these crimes. While such offences were committed with impunity, the laws were used as a means of indicting men for holding elections preliminary to framing a Constitution and applying for admission into the Union as the State of Kansas. Charges of high treason were made against prominent citizens, upon grounds which seem to your Committee absurd and ridiculous, and under the charges they are now held in custody and are refused the privilege of bail. In several cases men were arrested in the State of Missouri while passing on their lawful business through that State, and detained until indictments could be found in the Territory.

These proceedings were followed by an offence of still greater magnitude. Under color of legal process, a company of about seven hundred armed men, the great body of whom your Committee are satisfied were not citizens of the Territory, marched into the town of Lawrence under Marshal Donaldson and S. J. Jones, officers claiming to act under the law, and bombarded and then burned to the ground a valuable hotel and one private house, destroyed two printing presses and material, and then, being released by the officers, whose posse they claimed to be, proceeded to sack, pillage and rob houses, stores, trunks, &c., even to the cloth-

ing of women and children. Some of the letters thus unlawfully taken were private ones, written by the contesting delegate, and they were offered in evidence. Your committee did not deem that the person holding them had any right thus to use them, and refused to be made the instruments to report private letters thus obtained.

This force was not resisted, because it was collected and marshaled under the forms of law.—But this act of barbarity, unexampled in the history of our Government, was followed by its natural consequences. All the restraints which American citizens are accustomed to pay even to the appearance of law, were thrown off; one act of violence led to another; homicides became frequent. A party under H. C. Pate, composed chiefly of citizens of Missouri, were taken prisoners by a party of settlers; and while your Committee were at Westport, a company, chiefly of Missourians, accompanied by the acting Delegate, went to relieve Pate and his party, and a collision was prevented by the United States troops. Civil war has seemed impending in the Territory. Nothing can prevent so great a calamity but the presence of a large force of United States troops, under a commander who will with prudence and discretion quiet the excited passions of both parties, and expel with force the armed bands of lawless men, coming from Missouri and elsewhere, who with criminal perfidy infest the Territory.

In some cases, and as to one entire election district, the condition of the country prevented the attendance of witnesses, who were either arrested or detained while obeying our process or deterred from so doing. The Sergeant-at-Arms who served the processes upon them was himself arrested and detained for a short time by an armed force, claiming to be part of the posse of the Marshal but was allowed to proceed upon an examination of his papers, and was furnished with a pass signed by "Warren D. Wilkes, of South Carolina." John Upton, another officer of the Committee, was subsequently stopped by a lawless force on the borders of the Territory, and after being detained and treated with great indignity, was released. He, also, was furnished with a pass signed by two citizens of Missouri, and addressed to "Pro-Slavery men." By reason of these disturbances we were delayed in Westport, so that while in session there our time was but partially occupied.

But the obstruction which created the most serious embarrassment to your Committee was the attempted arrest of Governor Reeder, the contesting Delegate, upon a writ of attachment issued against him by Judge Lecompte to compel his attendance as a witness before the Grand Jury of Douglas county. William Fane, recently from the State of Georgia, and claiming to be the Deputy Marshal came into the room of the Committee while Gov. Reeder was examining a witness before us, and producing the writ required Gov. Reeder to attend him. Subsequent events have only strengthened the conviction of your Committee that this was a wanton and unlawful interference by the Judge who issued the writ, tending greatly to obstruct a full and fair investigation.—Gov. Reeder and Gen Whitfield alone were fully possessed of that local intelligence which would enable us to elicit the whole truth, and it was obvious to every one that any event which would separate either of them from the Committee would necessarily hinder, delay, and embarrass it. Gov. Reeder claimed that under the circumstances in which he was placed he was privileged from arrest except for treason, felony, or breach of the peace. As this was a question of privilege, proper for the Court, or for the privileged person alone to determine on his peril, we declined to give him any protection or take any

action in the matter. He refused to obey the writ, believing it to be a mere pretence to get the custody of his person, and fearing, as he alleged, that he would be assassinated by lawless bands of men then gathering in and near Leavenworth. He then left the Territory.

Subsequently H. Miles Moore, an attorney in Leavenworth city, but for several years a citizen of Weston, Mo., kindly furnished the Committee information as to the residence of persons voting at the elections, and in some cases examined witnesses before it. He was arrested on the streets of that town by an armed band of about thirty men, headed by W. D. Wilkes, without any color of authority, confined, with other citizens, under a military guard for 24 hours, and then notified to leave the Territory. His testimony was regarded as important, and upon his sworn statement that it would endanger his person to give it openly the majority of your Committee deemed it proper to examine him ex parte, and did so.

By reason of these occurrences, the contestants, and the party with and for whom he acted, were unrepresented before us during a greater portion of the time, and your Committee were required to ascertain the truth in the best manner they could.

Your Committee report the following facts and conclusions as established by the testimony:

*First*.—That each election in the Territory held under the organic or alleged Territorial law has been carried by organized invasions from the State of Missouri, by which the people of the Territory have been prevented from exercising the rights secured to them by the organic law.

*Second*.—That the alleged Territorial Legislature was an illegally constituted body, and had no power to pass valid laws, and their enactments are, therefore, null and void.

*Third*.—That these alleged laws have not, as a general thing, been used to protect persons and property and to punish wrong, but, for unlawful purposes.

*Fourth*.—That the election under which the sitting Delegate, John W. Whitfield, holds his seat, was not held in pursuance of any valid law, and that it should be regarded only as the expression of the choice of those resident citizens who voted for him.

*Fifth*.—That the election under which the contesting Delegate, Andrew H. Reeder, claims his seat, was not held in pursuance of law, and that it should be regarded only as the expression of the choice of the resident citizens who voted for him.

*Sixth*.—That Andrew H. Reeder received a greater number of votes of resident citizens than John W. Whitfield, for Delegate.

*Seventh*.—That in the present condition of the Territory a fair election cannot be held without a new census, a stringent and well guarded election law, the selection of impartial Judges, and the presence of United States troops at every place of election.

*Eighth*.—That the various elections held by the people of the Territory preliminary to the formation of the State Government, have been as regular as the disturbed condition of the Territory would allow; and that the Constitution passed by the Convention, held in pursuance of said elections embodies the will of a majority of the people.

As it is not the province of your Committee to suggest remedies for the existing troubles in the Territory of Kansas, they content themselves with the foregoing statement of facts.

All of which is respectfully submitted.

WM. A. HOWARD,  
JOHN SHERMAN.

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